

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 440

Introduced by Health and Human Services Committee:
Jensen, 20, Chairperson; Byars, 30; Dierks, 40;
Price, 26; Thompson, 14; Tyson, 19; and Matzke, 47;
Dw. Pedersen, 39; D. Pederson, 42; Robak, 22;
Wickersham, 49

Read first time January 14, 1999

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Engineers and Architects Regulation
2 Act; to amend sections 81-3449 and 81-3453, Revised
3 Statutes Supplement, 1998; to provide an exemption from
4 the act for certain commercial or industrial buildings;
5 and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-3449, Revised Statutes Supplement,
2 1998, is amended to read:

3 81-3449. The provisions of the Engineers and Architects
4 Regulation Act regulating the practice of architecture do not apply
5 to the following activities:

6 (1) The construction, remodeling, alteration, or
7 renovation of (a) a detached single-family through four-family
8 dwelling of less than five thousand square feet of above grade
9 finished space or (b) a one-story commercial or industrial building
10 or structure of less than five thousand square feet of above grade
11 finished space which does not exceed thirty feet in height. Any
12 detached or attached sheds, storage buildings, and garages
13 incidental to the dwelling are not included in the tabulation of
14 finished space;

15 (2) The construction, remodeling, alteration, or
16 renovation of farm buildings, including barns, silos, sheds, or
17 housing for farm equipment and machinery, livestock, poultry, or
18 storage, if the structures are designed to be occupied by no more
19 than twenty persons;

20 (3) Any public works project with contemplated
21 expenditures for a completed project that do not exceed forty
22 thousand dollars;

23 (4) Any alteration, renovation, or remodeling of a
24 building if the alteration, renovation, or remodeling does not
25 affect architectural or engineering safety features of the
26 building;

27 (5) The teaching, including research and service, of
28 architectural subjects in a college or university offering a degree

1 in architecture accredited by the National Architectural
2 Accreditation Board;

3 (6) The preparation of submissions to architects,
4 building officials, or other regulating authorities by the
5 manufacturer, supplier, or installer of any materials, assemblies,
6 components, or equipment that describe or illustrate the use of
7 such items, the preparation of any details or shop drawings
8 required of the contractor by the terms of the construction
9 documents, or the management of construction contracts by persons
10 customarily engaged in contracting work;

11 (7) The preparation of technical submissions or the
12 administration of construction contracts by employees of a person
13 or organization lawfully engaged in the practice of architecture if
14 such employees are acting under the direct supervision of an
15 architect;

16 (8) The offering by an organization of a combination of
17 services involved in the practice of architecture and construction
18 services if:

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

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

25 (c) Such organization agrees that the architect will have
26 direct supervision of the work and that such architect's services
27 will not be terminated without the consent of the person engaging
28 the organization; and

1 (d) The rendering of architectural services by such
2 architect will conform to the act and the rules and regulations;

3 (9) A public service provider or an organization who
4 employs a design professional from performing professional services
5 for itself;

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

20 (11) The practice of any other certified trade or legally
21 recognized profession;

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

24 (13) Earthmoving and related work associated with soil
25 and water conservation practices performed on farmland or any land
26 owned by a political subdivision that is not subject to a permit
27 from the Department of Water Resources or for work related to
28 livestock waste facilities that are not subject to a permit by the

1 Department of Environmental Quality; and

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

9 Sec. 2. Section 81-3453, Revised Statutes Supplement,
10 1998, is amended to read:

11 81-3453. The provisions of the Engineers and Architects
12 Regulation Act regulating the practice of engineering do not apply
13 to the following activities:

14 (1) The construction, remodeling, alteration, or
15 renovation of (a) a detached single-family through four-family
16 dwelling of less than five thousand square feet above grade
17 finished space or (b) a one-story commercial or industrial building
18 or structure of less than five thousand square feet above grade
19 finished space which does not exceed thirty feet in height. Any
20 detached or attached sheds, storage buildings, and garages
21 incidental to the dwelling are not included in the tabulation of
22 finished space;

23 (2) The construction, remodeling, alteration, or
24 renovation of farm buildings, including barns, silos, sheds, or
25 housing for farm equipment and machinery, livestock, poultry, or
26 storage and if the structures are designed to be occupied by no
27 more than twenty persons;

28 (3) Any public works project with contemplated

1 expenditures for the completed project that do not exceed forty
2 thousand dollars;

3 (4) Any alteration, renovation, or remodeling of a
4 building if the alteration, renovation, or remodeling does not
5 affect architectural or engineering safety features of the
6 building;

7 (5) The teaching, including research and service, of
8 engineering subjects in a college or university offering an
9 Accrediting Board for Engineering and Technology accredited
10 engineering curriculum of four years or more;

11 (6) The act does not prevent a public service provider or
12 an organization who employs a design professional from performing
13 professional services for itself;

14 (7) The practice of any other certified trade or legally
15 recognized profession;

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

25 (9) The work of an employee or a subordinate of a person
26 holding a certificate of licensure under the act or an employee of
27 a person practicing lawfully under subdivision (8) of this section
28 if the work is done under the direct supervision of a person

1 holding a certificate of licensure or a person practicing lawfully
2 under such subdivision;

3 (10) Those services ordinarily performed by subordinates
4 under direct supervision of a professional engineer or those
5 commonly designated as locomotive, stationary, marine operating
6 engineers, power plant operating engineers, or manufacturers who
7 supervise the operation of or operate machinery or equipment or who
8 supervise construction within their own plant;

9 (11) Financial institutions making disbursements of funds
10 in connection with construction projects;

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

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

24 (14) Work performed exclusively in the exploration for
25 and development of energy resources and base, precious, and
26 nonprecious minerals, including sand, gravel, and aggregate, which
27 does not have a substantial impact upon public health, safety, and
28 welfare, as determined by the board, or require the submission of

1 reports or documents to public agencies;

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

9 (16) Work performed in the exploration, development, and
10 production of oil and gas or before the Nebraska Oil and Gas
11 Conservation Commission.

12 Sec. 3. Original sections 81-3449 and 81-3453, Revised
13 Statutes Supplement, 1998, are repealed.