

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 301**

Introduced by Tyson, 19; Jensen, 20

Read first time January 5, 2001

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Engineers and Architects Regulation Act;  
2 to amend sections 81-3449 and 81-3453, Revised Statutes  
3 Supplement, 2000; to change exempted activities as  
4 prescribed; and to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 81-3449, Revised Statutes Supplement,  
2 2000, 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~~ no more than XXX square  
11 feet of above grade finished space which does not exceed thirty  
12 feet in height unless such building or structure, or the remodeling  
13 or repairing thereof, provides for the employment, housing, or  
14 assembly of twenty or more persons. Any detached or attached  
15 sheds, storage buildings, and garages incidental to the dwelling  
16 are not included in the tabulation of finished space;

17           (2) 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~~ XXX persons;

22           (3) Any public works project with contemplated  
23 expenditures for a completed project that do not exceed ~~eighty~~  
24 ~~thousand~~ XXX dollars;

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

1           (5) The teaching, including research and service, of  
2 architectural subjects in a college or university offering a degree  
3 in architecture accredited by the National Architectural  
4 Accreditation Board;

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

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

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

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

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

27           (c) Such organization agrees that the architect will have  
28 direct supervision of the work and that such architect's services

1 will not be terminated without the consent of the person engaging  
2 the organization; and

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

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

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

22 (11) The practice of any other certified trade or legally  
23 recognized profession;

24 (12) Financial institutions making disbursements of funds  
25 in connection with construction projects;

26 (13) Earthmoving and related work associated with soil  
27 and water conservation practices performed on farmland or any land  
28 owned by a political subdivision that is not subject to a permit

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

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

11 Sec. 2. Section 81-3453, Revised Statutes Supplement,  
12 2000, is amended to read:

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

16 (1) The construction, remodeling, alteration, or  
17 renovation of (a) a detached single-family through four-family  
18 dwelling of less than five thousand square feet above grade  
19 finished space or (b) a one-story commercial or industrial building  
20 or structure of ~~less than five thousand~~ no more than XXX square  
21 feet above grade finished space which does not exceed thirty feet  
22 in height unless such building or structure, or the remodeling or  
23 repairing thereof, provides for the employment, housing, or  
24 assembly of twenty or more persons. Any detached or attached  
25 sheds, storage buildings, and garages incidental to the dwelling  
26 are not included in the tabulation of finished space;

27 (2) The construction, remodeling, alteration, or  
28 renovation of farm buildings, including barns, silos, sheds, or

1 housing for farm equipment and machinery, livestock, poultry, or  
2 storage and if the structures are designed to be occupied by no  
3 more than ~~twenty~~ XXX persons;

4 (3) Any public works project with contemplated  
5 expenditures for the completed project that do not exceed ~~eighty~~  
6 ~~thousand~~ XXX dollars;

7 (4) Any alteration, renovation, or remodeling of a  
8 building if the alteration, renovation, or remodeling does not  
9 affect architectural or engineering safety features of the  
10 building;

11 (5) The teaching, including research and service, of  
12 engineering subjects in a college or university offering an  
13 Accrediting Board for Engineering and Technology accredited  
14 engineering curriculum of four years or more;

15 (6) ~~The act does not prevent a~~ A public service provider  
16 or an organization who employs a design professional ~~from~~  
17 performing professional services for itself;

18 (7) The practice of any other certified trade or legally  
19 recognized profession;

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

1           (9) The work of an employee or a subordinate of a person  
2 holding a certificate of licensure under the act or an employee of  
3 a person practicing lawfully under subdivision (8) of this section  
4 if the work is done under the direct supervision of a person  
5 holding a certificate of licensure or a person practicing lawfully  
6 under such subdivision;

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

13           (11) Financial institutions making disbursements of funds  
14 in connection with construction projects;

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

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

28           (14) Work performed exclusively in the exploration for

1 and development of energy resources and base, precious, and  
2 nonprecious minerals, including sand, gravel, and aggregate, which  
3 does not have a substantial impact upon public health, safety, and  
4 welfare, as determined by the board, or require the submission of  
5 reports or documents to public agencies;

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

13 (16) Work performed in the exploration, development, and  
14 production of oil and gas or before the Nebraska Oil and Gas  
15 Conservation Commission.

16 Sec. 3. Original sections 81-3449 and 81-3453, Revised  
17 Statutes Supplement, 2000, are repealed.