

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB45**

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**Hearing Date:** Thursday January 20, 2011  
**Committee On:** Health and Human Services  
**Introducer:** Fulton  
**One Liner:** Change the Engineers and Architects Regulation Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Bloomfield, Campbell, Gloor, Howard, Krist, Wallman, Cook  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Proponents:**  
Senator Tony Fulton  
Krista Kester  
Albert Hamersky  
Roger M. Helgoth  
Dan Thiele  
Jackie McCullough

**Representing:**  
District #29  
Nebraska State Board of Engineers and Architects  
Nebraska State Board of Engineers and Architects  
Nebraska State Board of Engineers and Architects  
Professional Engineers Coalition  
American Council of Engineering Companies

**Opponents:**

**Representing:**

**Neutral:**  
Richard Burton

**Representing:**  
Nebraska Chapter of the American Institute of Architects

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**Summary of purpose and/or changes:**

LB 45 provides a number of changes the Engineers and Architects Regulation Act. It:

- Adds "building official" to the definitions under the act and moves "project" to the definition section. (Section 3 and 4).
- Slightly expands allowable instances for authorization of per diem for Board members. (Sec. 5)
- Corrects inconsistencies referring to exemptions to the Act. (Sec. 6, 7, 10, 12, 15)
- Allows cross-discipline practice between engineering and architecture. These changes will allow limited cross-discipline practice by licensed architects and professional engineers between the professions of engineering and architecture on projects of specific occupancies under 6,000 square feet in size. (Sections 7, 12, 15)

The consideration for this cross-discipline practice went through the negotiated rule making committee convened by the Board of Engineers and Architects. The main reason for the requested change is to reduce the number of licensed professionals required on each such project, thereby improving access to professional services to the citizens of Nebraska. It was approved unanimously by the negotiated rule making committee.

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- Aligns language related to complaints with national model laws; allow complaints to be filed against organizations; and harmonizes language related to distribution of penalty fees. (Sec. 8 and 9)
- Changes the provisions of the exemption regulating the practice of architecture and engineers under the Engineers and Architects Regulation Act. The bill revises the level of exemption for public works projects from eighty six thousand to one hundred thousand dollars. Future adjustments will be made using the method described in the existing statute. The bill clarifies the exemption pertaining to certified trade professionals. Additionally it provides an exception for certified cross discipline practice for buildings defined as a business that is less than six thousand square feet. (Section 12 and 15).
- Requires an examination testing the knowledge of the applicable statutes and rules and regulations unique to the State of Nebraska by a person holding an active Council Record with the National Council of Examiners for Engineering and Surveying. Prior to this bill no examination was required. (Sec. 13)
- Provides for enrollment of engineer interns in Nebraska if the applicant has taken the Fundamentals of Engineering exam in another state. (Sec. 13)
- Allows, beginning in April 2011, for the 16-hour Structural Engineering exam. The Structural Engineering exam is developed by the National Council of Examiners for Engineering and Surveying (NCEES) and is the standard exam for licensure as a Professional Structural Engineer in Nebraska. Previously, it was split into two 8-hour exams and the existing Act reflects that exam format. Beginning this year, the exam will consist instead of a single 16-hour exam. (Sec. 14)

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**Explanation of amendments:**

AM 321 to LB 45 is offered at the request of the Nebraska Board of Engineers and Architects. First, it adds "political subdivision" to eliminate some possible ambiguity in reciprocity. The amendment addresses an individual who may be certified or licensed by a non-state entity such as a city or county.

Additionally, AM 321 removes the cross-discipline practice allowance between the professions of architecture and engineering. This amendment responds to concerns raised at the public hearing on LB 45 by a professional organization that, although testifying in a neutral capacity, had an issue with the cross-discipline practice provisions. The Nebraska Board of Engineers and Architect's position is that it is best to remove cross-discipline practice from the bill and move forward with non-controversial, time-sensitive changes to the Engineers and Architects Regulation Act provided under LB 45 as amended.

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Kathy Campbell, Chairperson