

LEGISLATIVE BILL 45

Approved by the Governor April 14, 2011

Introduced by Fulton, 29.

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

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

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

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

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

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

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

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

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

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

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

81-3429 Each member of the board shall be a citizen of the United States and a resident of the State of Nebraska for at least one year immediately preceding appointment. Each professional member shall have been engaged in the active practice of the design profession for at least ten years, shall have had responsible charge of work for at least five years at the time of his or her appointment, and shall be licensed in the appropriate profession. Each member of the board shall receive as compensation not more than sixty dollars per day for each day or substantial portion of a day actually spent in traveling to and from and while attending sessions of the board and its committees, ~~or~~ authorized meetings of the National Council of Architectural Registration Boards, the National Council of Examiners for Engineering and Surveying, or their subdivisions or committees, or other business as authorized by the board and all necessary expenses incident to the performance of his or her duties under the Engineers and Architects Regulation Act as provided in sections 81-1174 to 81-1177.

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

81-3441 Except as provided in sections 81-3413 to 81-3415, 81-3449, and ~~81-3448~~ ~~to~~ 81-3453, an individual shall not directly or indirectly engage in the practice of architecture or engineering in the state or use the title architect or professional engineer or display or use any words, letters, figures, titles, sign, card, advertisement, or other symbol or device indicating or tending to indicate that he or she is an architect or professional engineer or is practicing architecture or engineering unless

he or she is licensed under the Engineers and Architects Regulation Act. A licensee shall not aid or abet any person not licensed under the act in the practice of architecture or engineering.

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

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

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

(2) Knowingly and intentionally employs or retains a person to practice architecture or engineering in this state who is not licensed in accordance with the act except as provided in sections 81-3413 to 81-3415 and who is not exempted by sections ~~81-3448~~ 81-3449 and 81-3453;

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

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

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

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

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

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

(9) Violates the act.

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

81-3443 Charges A complaint against any person or organization involving any matter coming within the jurisdiction of the board shall be in writing and shall be filed with the board. The charges, complaint, at the discretion of the board, shall be heard within a reasonable time in accordance with the rules and regulations and may be heard through the use of a hearing officer. The accused shall have the right to appear personally with or without counsel, to cross-examine adverse witnesses, and to produce evidence and witnesses in his, her, or its ~~or her~~ defense. The board shall set the time and place for the hearing and shall cause a copy of the charges, complaint, together with a notice of the time and place fixed for the hearing, to be sent by registered mail to the accused, at his, her, or its ~~or her~~ last-known business or residence address known to the board, at least thirty days before the hearing. If after the hearing the board finds the accused has violated the Engineers and Architects Regulation Act or any rules or regulations, it may issue any order or take any action described in section 81-3444. If the board finds no violation, it shall enter an order dismissing the charges, complaint. If the order revokes, suspends, or cancels a license, the board shall notify, in writing, the Secretary of State and the clerk of the city or village in the state where the person or organization has a place of business, if any. The board may reissue a license ~~to any person whose license~~ that has been revoked. Application for the reissuance of a license shall be made in such a manner as the board directs and shall be accompanied by a fee established by the board.

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

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

(a) Issuance of censure or reprimand;

(b) Suspension of judgment;

(c) Placement of the offender on probation;

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

(e) Imposition of a civil penalty not to exceed ten thousand dollars

for each offense. The amount of the penalty shall be based on the severity of the violation;

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

(g) Issuance of a cease and desist order;

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

(i) Dismissal of the action.

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

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

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

81-3445 Except as otherwise provided in this section and sections 81-3449 ~~to~~ and 81-3453, the state and its political subdivisions shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by an architect, a professional engineer, or a person under the direct supervision of an architect, professional engineer, or those under the direct supervision of an architect or professional engineer. This section shall not apply to any public work in which the contemplated expenditure for the complete project does not exceed ~~eighty-six~~ one hundred thousand dollars. The board shall adjust the dollar amount in this section every fifth year. The first such adjustment after the effective date of this act shall be effective on July 1, 2014. ~~commencing July 1, 2009.~~ The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount.

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

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

(2) For purposes of this section:

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

~~(b) (a) Construction phase service includes at least the following services: (i) Visiting the project site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the project permit was issued; and (ii) processing technical submissions required of the contractor by the terms of contract documents. The term does not include supervision of construction, review of payment applications, resolution of disputes between the owner and contractor, and other such items which are considered additional construction administration services which the owner may or may not elect to include in the architect's or engineer's scope of work; and~~

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

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

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

81-3448 (1) A person applying to the Board of Engineers and Architects for initial licensure as an architect shall submit an application accompanied by the fee established by the board and satisfactory evidence that he or she holds a degree in architecture accredited by the National Architectural ~~Accreditation~~ Accrediting Board and that he or she has completed practical training in architectural work as required by the Board of Engineers and Architects. If an applicant is qualified, the Board of Engineers and Architects shall, by means of a written or electronic examination, examine the applicant on technical and professional subjects as prescribed by the board. None of the examination materials shall be considered public records. The board may exempt from the written examination an applicant who holds a certification issued by the National Council of Architectural Registration Boards. The Board of Engineers and Architects may adopt guidelines published from time to time by the National Council of Architectural Registration Boards. The Board of Engineers and Architects may also adopt the examinations and grading procedures of the National Council of Architectural Registration Boards and the accreditation decisions of the National Architectural ~~Accreditation~~ Accrediting Board. The Board of Engineers and Architects shall issue a certificate of licensure to each applicant who is found to be of good moral character and who satisfies the requirements set forth in this section. Licensure shall be effective upon issuance.

(2) ~~Persons~~ A person applying for initial licensure who ~~de~~ does not hold a degree in architecture accredited by the National Architectural ~~Accreditation~~ Accrediting Board shall submit an application accompanied by the fee established by the Board of Engineers and Architects. The application shall demonstrate satisfactory evidence of twelve years' combined architectural education and architectural work experience, including the equivalent of the Intern Development Program promulgated by the National Council of Architectural Registration Boards. If an applicant is determined by the Board of Engineers and Architects to meet this requirement, the board shall, by means of a written or electronic examination, examine the applicant on technical and professional subjects as prescribed by the board. ~~Starting January 1, 2000, only individuals who have~~ Only an individual who has earned a bachelor of science in architectural studies degree with an architecture emphasis prior to December 31, 1999, ~~can~~ may be considered under this subsection.

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

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

(1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet of above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and

land-use regulations and their customary duties in utility and public works construction, operation, and maintenance.

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

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

(2) (a) A person holding a certificate of licensure to engage in the practice of engineering, issued by the proper authority of a state, territory, or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the Engineers and Architects Regulation Act and were of a standard not lower than that specified in the applicable licensure law in effect in this state at the time such certificate was issued may, upon application, be licensed as a professional engineer without further examination.

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

(c) A graduate of an ~~Accrediting Board for Engineering and Technology accredited~~ ABET-accredited engineering curriculum, enrolled as an engineer-intern, and having a specific record of an additional four years or more of progressive ~~post-baccalaureate-degree~~ post-accredited-degree experience on engineering projects of a grade and a character which indicates to the Board of Engineers and Architects that the applicant may be competent to practice engineering shall be admitted to an ~~eight-hour examination of at least eight hours in length~~, administered by the board, on the principles and practice of engineering. Upon passing the examination, the applicant shall be granted a certificate of licensure to practice engineering in this state if the applicant is otherwise qualified. Engineering teaching of advanced subjects and the design of engineering research and projects in a college or university offering an ~~Accrediting Board for Engineering and Technology accredited~~ ABET-accredited engineering curriculum of four years or more may be considered as engineering experience. An applicant who does not hold an ~~Accrediting Board for Engineering and Technology accredited~~ ABET-accredited engineering degree but who is enrolled as an engineer-intern in this state and has a specific record of an additional six years or more of progressive experience on engineering projects of a grade and a character which indicates to the Board of Engineers and Architects that the applicant may be competent to practice engineering shall be admitted to an ~~eight-hour examination of at least eight hours in length~~, administered by the board, in the principles and practice of engineering. Upon passing the examination, the applicant shall be granted a certificate of licensure to practice engineering in this state if otherwise qualified.

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

~~(b) An applicant who does not hold an Accrediting Board for Engineering and Technology accredited engineering degree may be admitted to the fundamentals of engineering examination if he or she has six years of engineering work experience or engineering-related education. Upon passing the examination, the applicant shall be enrolled as an engineer-intern. This subdivision terminates on January 1, 2005.~~

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

Sec. 16. Section 81-3452, Reissue Revised Statutes of Nebraska, is

amended to read:

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

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

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

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

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

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

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

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

(1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

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

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

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

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

(6) The teaching, including research and service, of engineering

subjects in a college or university offering an Accrediting Board for Engineering and Technology accredited ABET-accredited engineering curriculum of four years or more;

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

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

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

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

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

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

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

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

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

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

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

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

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

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