

AMENDMENTS TO LB250

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

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

5 2-3256 All design or construction by a district of structural works
6 costing more than one hundred thousand dollars shall be under the
7 supervision of a licensed engineer except as otherwise provided in the
8 Engineers, and Architects, and Registered Interior Designers Regulation
9 Act. The Board of Engineers and Architects shall adjust the dollar amount
10 in this section every fifth year. The first such adjustment after August
11 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall
12 be equal to the then current amount adjusted by the cumulative percentage
13 change in the Consumer Price Index for All Urban Consumers published by
14 the Federal Bureau of Labor Statistics for the five-year period preceding
15 the adjustment date. The amount shall be rounded to the next highest one-
16 thousand-dollar amount.

17 Sec. 2. Section 13-2039, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 13-2039 (1)(a) A landfill may accept yard waste without condition
20 from December 1 through March 31 of each year.

21 (b) A landfill may accept yard waste year-round if such yard waste:

22 (i) Will be used for the production and recovery of methane gas for
23 use as fuel (A) with the approval of the department and (B) at a landfill
24 operating as a solid waste management facility with a permit issued
25 pursuant to the department's rules and regulations; or

26 (ii) Has been separated at its source from other solid waste and
27 will be used for the purpose of soil conditioning or composting.

1 (c) State and local governmental entities responsible for the
2 maintenance of public lands shall give preference to the use of composted
3 materials in all land maintenance activities. This section does not
4 prohibit the use of yard waste as land cover or as soil-conditioning
5 material.

6 (2) Land disposal of lead-acid batteries and waste oil is
7 prohibited.

8 (3)(a) Land disposal of waste tires in any form is prohibited except
9 tires that are nonrecyclable. For purposes of this subsection,
10 nonrecyclable tire means a press-on solid tire, a solid pneumatic shaped
11 tire, or a foam pneumatic tire.

12 (b) On and after September 1, 2003, placing or causing the placement
13 or disposal of scrap tires in any form into the waters of the state is
14 prohibited except as provided in section 13-2033.

15 (c) Tires are not considered disposed if they are (i) processed into
16 crumb rubber form and reused or recycled in manufactured products such
17 as, but not limited to, products used for schools, playgrounds, and
18 residential, lawn, and garden applications, (ii) used as safety barriers
19 for race courses for motorized vehicles, on the condition that the tires
20 are bolted together and properly wrapped, and not in loose, compressed,
21 or baled form, (iii) used as tire-derived fuel, (iv) retreaded, (v)
22 processed into chip or shred form and used as drainage media in landfill
23 construction or septic drain fields, (vi) used as a raw material in
24 steelmaking, or (vii) processed into shred form and used as an
25 alternative daily cover in a landfill or for a civil engineering project
26 if such project is designed and constructed in compliance with the
27 Engineers, and Architects, and Registered Interior Designers Regulation
28 Act and prior approval for such project is obtained from the department
29 by the tire shredder and the end user, except that departmental approval
30 is not necessary for a tire project involving three thousand five hundred
31 or fewer passenger tire equivalents of waste tires if the department

1 receives notification of the project not later than thirty days prior to
2 any construction on such project. The notification shall contain the name
3 and address of the tire shredder and end user, the location of the
4 project, a description of the type of project, the number of passenger
5 tire equivalents of waste tires to be used, and any additional
6 information the council determines is necessary to accomplish the
7 purposes of the Integrated Solid Waste Management Act.

8 A race sponsor using tires as safety barriers pursuant to
9 subdivision (3)(c)(ii) of this section prior to October 1, 2006, shall
10 file an approved tire disposal plan with the department on or before
11 January 1, 2007. A race sponsor using tires as safety barriers on or
12 after October 1, 2006, shall file an approved tire disposal plan with the
13 department prior to the sponsor's first such use of tires. An approved
14 tire disposal plan shall provide for the disposal of tires which cease to
15 be used as safety barriers in accordance with subsection (3) of section
16 13-2033, and any such race sponsor who ceases to use tires as safety
17 barriers or whose facility ceases operation shall dispose of such tires
18 in accordance with his or her approved tire disposal plan. Any
19 modification to an approved tire disposal plan shall be submitted to and
20 approved by the department prior to implementation of such modified plan.
21 An approved tire disposal plan shall continue in effect as long as such
22 sponsor uses tires as safety barriers.

23 (4) Land disposal of discarded household appliances is prohibited.

24 (5) Land disposal of unregulated hazardous wastes, except household
25 hazardous wastes, which are exempt from the regulations under the
26 Environmental Protection Act is prohibited unless such disposal occurs at
27 a licensed hazardous waste disposal facility.

28 (6) For purposes of this section, land disposal shall include, but
29 not be limited to, incineration at a landfill.

30 Sec. 3. Section 13-2903, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 13-2903 For purposes of the Political Subdivisions Construction
2 Alternatives Act:

3 (1) Construction management at risk contract means a contract by
4 which a construction manager (a) assumes the legal responsibility to
5 deliver a construction project within a contracted price to the political
6 subdivision, (b) acts as a construction consultant to the political
7 subdivision during the design development phase of the project when the
8 political subdivision's architect or engineer designs the project, and
9 (c) is the builder during the construction phase of the project;

10 (2) Construction manager means the legal entity which proposes to
11 enter into a construction management at risk contract pursuant to the
12 act;

13 (3) Design-build contract means a contract which is subject to
14 qualification-based selection between a political subdivision and a
15 design-builder to furnish (a) architectural, engineering, and related
16 design services for a project pursuant to the act and (b) labor,
17 materials, supplies, equipment, and construction services for a project
18 pursuant to the act;

19 (4) Design-builder means the legal entity which proposes to enter
20 into a design-build contract which is subject to qualification-based
21 selection pursuant to the act;

22 (5) Letter of interest means a statement indicating interest to
23 enter into a design-build contract or a construction management at risk
24 contract for a project pursuant to the act;

25 (6) Performance-criteria developer means any person licensed or any
26 organization issued a certificate of authorization to practice
27 architecture or engineering pursuant to the Engineers, ~~and~~ Architects,
28 and Registered Interior Designers Regulation Act who is selected by a
29 political subdivision to assist the political subdivision in the
30 development of project performance criteria, requests for proposals,
31 evaluation of proposals, evaluation of the construction under a design-

1 build contract to determine adherence to the performance criteria, and
2 any additional services requested by the political subdivision to
3 represent its interests in relation to a project;

4 (7) Political subdivision means a city, village, county, school
5 district, community college, or state college;

6 (8) Project performance criteria means the performance requirements
7 of the project suitable to allow the design-builder to make a proposal.
8 Performance requirements include the following, if required by the
9 project: Capacity, durability, standards, ingress and egress
10 requirements, description of the site, surveys, soil and environmental
11 information concerning the site, interior space requirements, material
12 quality standards, design and construction schedules, site development
13 requirements, provisions for utilities, storm water retention and
14 disposal, parking requirements, applicable governmental code
15 requirements, and other criteria for the intended use of the project;

16 (9) Proposal means an offer in response to a request for proposals
17 (a) by a design-builder to enter into a design-build contract for a
18 project pursuant to the Political Subdivisions Construction Alternatives
19 Act or (b) by a construction manager to enter into a construction
20 management at risk contract for a project pursuant to the act;

21 (10) Qualification-based selection process means a process of
22 selecting a design-builder based first on the qualifications of the
23 design-builder and then on the design-builder's proposed approach to the
24 design and construction of the project;

25 (11) Request for letters of interest means the documentation or
26 publication by which a political subdivision solicits letters of
27 interest;

28 (12) Request for proposals means the documentation by which a
29 political subdivision solicits proposals; and

30 (13) School district means any school district classified under
31 section 79-102.

1 Sec. 4. Section 13-2907, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-2907 A political subdivision shall prepare a request for
4 proposals for each design-build contract in accordance with this section.
5 Notice of the request for proposals shall be published in a newspaper of
6 general circulation within the political subdivision at least thirty days
7 prior to the deadline for receiving and opening proposals. A notice of
8 the request for proposals by a school district shall be filed with the
9 State Department of Education at least thirty days prior to the deadline
10 for receiving and opening proposals. The request for proposals shall
11 contain, at a minimum, the following elements:

12 (1) The identity of the political subdivision for which the project
13 will be built and the political subdivision that will execute the design-
14 build contract;

15 (2) Policies adopted by the political subdivision in accordance with
16 section 13-2905;

17 (3) The proposed terms and conditions of the design-build contract,
18 including any terms and conditions which are subject to further
19 negotiation. The proposed general terms and conditions shall be
20 consistent with nationally recognized model general terms and conditions
21 which are standard in the design and construction industry in Nebraska.
22 The proposed terms and conditions may set forth an initial determination
23 of the manner by which the design-builder selects any subcontractor and
24 may require that any work subcontracted be awarded by competitive
25 bidding;

26 (4) A project statement which contains information about the scope
27 and nature of the project;

28 (5) Project performance criteria;

29 (6) Budget parameters for the project;

30 (7) Any bonds and insurance required by law or as may be
31 additionally required by the political subdivision;

1 (8) The criteria for evaluation of proposals and the relative weight
2 of each criterion;

3 (9) A requirement that the design-builder provide a written
4 statement of the design-builder's proposed approach to the design and
5 construction of the project, which may include graphic materials
6 illustrating the proposed approach to design and construction but shall
7 not include price proposals;

8 (10) A requirement that the design-builder agree to the following
9 conditions:

10 (a) An architect or engineer licensed to practice in Nebraska will
11 participate substantially in those aspects of the offering which involve
12 architectural or engineering services;

13 (b) At the time of the design-build offering, the design-builder
14 will furnish to the governing body of the political subdivision a written
15 statement identifying the architect or engineer who will perform the
16 architectural or engineering work for the design-build project;

17 (c) The architect or engineer engaged by the design-builder to
18 perform the architectural or engineering work with respect to the design-
19 build project will have direct supervision of such work and may not be
20 removed by the design-builder prior to the completion of the project
21 without the written consent of the governing body of the political
22 subdivision;

23 (d) A design-builder offering design-build services with its own
24 employees who are design professionals licensed to practice in Nebraska
25 will (i) comply with the Engineers, and Architects, and Registered
26 Interior Designers Regulation Act by procuring a certificate of
27 authorization to practice architecture or engineering and (ii) submit
28 proof of sufficient professional liability insurance; and

29 (e) The rendering of architectural or engineering services by a
30 licensed architect or engineer employed by the design-builder will
31 conform to the Engineers, and Architects, and Registered Interior

1 Designers Regulation Act and rules and regulations adopted under the act;
2 and

3 (11) Other information which the political subdivision chooses to
4 require.

5 Sec. 5. Section 23-1901, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 23-1901 (1) It shall be the duty of the county surveyor to make or
8 cause to be made all surveys within his or her county that the county
9 surveyor may be called upon to make and record the same.

10 (2) In all counties having a population of at least sixty thousand
11 inhabitants but less than one hundred fifty thousand inhabitants, the
12 county surveyor shall be ex officio county engineer and shall be either a
13 professional engineer as provided in the Engineers, and Architects, and
14 Registered Interior Designers Regulation Act or a registered land
15 surveyor as provided in the Land Surveyors Regulation Act or both. In
16 such counties, the office of surveyor shall be full time.

17 In counties having a population of one hundred fifty thousand
18 inhabitants or more, a county engineer shall be a professional engineer
19 as provided in the act and shall be elected as provided in section
20 32-526.

21 (3) The county engineer or ex officio county engineer shall:

22 (a) Prepare all plans, specifications, and detail drawings for the
23 use of the county in advertising and letting all contracts for the
24 building and repair of bridges, culverts, and all public improvements
25 upon the roads;

26 (b) Make estimates of the cost of all such contemplated public
27 improvements, make estimates of all material required for such public
28 improvements, inspect the material and have the same measured and
29 ascertained, and report to the county board whether the same is in
30 accordance with its requirements;

31 (c) Superintend the construction of all such public improvements and

1 inspect and require that the same shall be done according to contract;

2 (d) Make estimates of the cost of all labor and material which shall
3 be necessary for the construction of all bridges and improvements upon
4 public highways, inspect all of the work and materials placed in any such
5 public improvements, and make a report in writing to the county board
6 with a statement in regard to whether the same comply with the plans,
7 specifications, and detail drawings of the county board prepared for such
8 work or improvements and under which the contract was let; and

9 (e) Have charge and general supervision of work or improvements
10 authorized by the county board, inspect all materials, direct the work,
11 and make a report of each piece of work to the county board.

12 The county engineer or surveyor shall also have such other and
13 further powers as are necessarily incident to the general powers granted.

14 (4) The county surveyor shall prepare and file the required annual
15 inventory statement of county personal property in his or her custody or
16 possession as provided in sections 23-346 to 23-350.

17 (5) In counties having a population of one hundred fifty thousand
18 inhabitants or more, the county engineer shall appoint a full-time county
19 surveyor. The county surveyor shall perform all the duties prescribed in
20 sections 23-1901 to 23-1913 and any other duties assigned to him or her
21 by the county engineer. The county surveyor shall be a registered land
22 surveyor as provided in the Land Surveyors Regulation Act.

23 Sec. 6. Section 33-151, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 33-151 All money now in the state treasury to the credit of the
26 Board of Barber Examiners, the State Real Estate Commission, the Board of
27 Engineers, ~~and~~ Architects, and Registered Interior Designers, the State
28 Athletic Commissioner, the Nebraska Oil and Gas Conservation Commission
29 pursuant to sections 57-906 and 57-911, and any other state board,
30 bureau, division, fund, or commission not mentioned in this section, and
31 all money collected by each of such boards, bureaus, divisions, or

1 commissions during any biennium, if and when specifically appropriated by
2 the Legislature for that purpose, are made immediately available for the
3 use and benefit of such board, bureau, division, or commission. This
4 section shall not be construed to apply to the fees inuring to the
5 Nebraska Brand Inspection and Theft Prevention Fund.

6 Sec. 7. Section 37-1719, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 37-1719 The commission may hire an architect licensed pursuant to
9 the Engineers, and Architects, and Registered Interior Designers
10 Regulation Act or an engineer licensed pursuant to the act to assist the
11 commission with the development of project performance criteria and
12 requests for proposals, with evaluation of proposals, with evaluation of
13 the construction to determine adherence to the project performance
14 criteria, and with any additional services requested by the commission to
15 represent its interests in relation to a project. The procedures used to
16 hire such person or organization shall comply with the Nebraska
17 Consultants' Competitive Negotiation Act. The person or organization
18 hired shall be ineligible to be included as a provider of other services
19 in a proposal for the project for which he or she has been hired and
20 shall not be employed by or have a financial or other interest in a
21 design-builder or construction manager who will submit a proposal.

22 Sec. 8. Section 37-1723, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 37-1723 The commission shall prepare a request for proposals for
25 each design-build contract. The request for proposals shall contain, at a
26 minimum, the following elements:

27 (1) The guidelines adopted by the commission in accordance with
28 section 37-1720. The identification of a publicly accessible location of
29 the guidelines, either physical or electronic, shall be considered
30 compliance with this subdivision;

31 (2) The proposed terms and conditions of the design-build contract,

1 including any terms and conditions which are subject to further
2 negotiation;

3 (3) A project statement which contains information about the scope
4 and nature of the project;

5 (4) A statement regarding alternative technical concepts including
6 the process and time period in which such concepts may be submitted,
7 confidentiality of the concepts, and ownership of the rights to the
8 intellectual property contained in such concepts;

9 (5) Project performance criteria;

10 (6) Budget parameters for the project;

11 (7) Any bonding and insurance required by law or as may be
12 additionally required by the commission;

13 (8) The criteria for evaluation of proposals and the relative weight
14 of each criterion. The criteria shall include, but are not limited to,
15 the cost of the work, construction experience, design experience, and the
16 financial, personnel, and equipment resources available for the project.
17 The relative weight to apply to any criterion shall be at the discretion
18 of the commission based on each project, except that in all cases, the
19 cost of the work shall be given a relative weight of at least fifty
20 percent;

21 (9) A requirement that the design-builder provide a written
22 statement of the design-builder's proposed approach to the design and
23 construction of the project, which may include graphic materials
24 illustrating the proposed approach to design and construction and shall
25 include price proposals;

26 (10) A requirement that the design-builder agree to the following
27 conditions:

28 (a) At the time of the design-build proposal, the design-builder
29 must furnish to the commission a written statement identifying the
30 architect or engineer who will perform the architectural or engineering
31 work for the project. The architect or engineer engaged by the design-

1 builder to perform the architectural or engineering work with respect to
2 the project must have direct supervision of such work and may not be
3 removed by the design-builder prior to the completion of the project
4 without the written consent of the commission;

5 (b) At the time of the design-build proposal, the design-builder
6 must furnish to the commission a written statement identifying the
7 general contractor who will provide the labor, material, supplies,
8 equipment, and construction services. The general contractor identified
9 by the design-builder may not be removed by the design-builder prior to
10 completion of the project without the written consent of the commission;

11 (c) A design-builder offering design-build services with its own
12 employees who are design professionals licensed to practice in Nebraska
13 must (i) comply with the Engineers, and Architects, and Registered
14 Interior Designers Regulation Act by procuring a certificate of
15 authorization to practice architecture or engineering and (ii) submit
16 proof of sufficient professional liability insurance in the amount
17 required by the commission; and

18 (d) The rendering of architectural or engineering services by a
19 licensed architect or engineer employed by the design-builder must
20 conform to the Engineers, and Architects, and Registered Interior
21 Designers Regulation Act; and

22 (11) Other information or requirements which the commission, in its
23 discretion, chooses to include in the request for proposals.

24 Sec. 9. Section 39-1311.02, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 39-1311.02 (1) A review of a preliminary subdivision plat shall be
27 required for all proposals to subdivide land or to make public or private
28 improvements on all land within an approved corridor.

29 (2) A building permit shall be required for all structures within an
30 approved corridor if the actual cost of the structure exceeds one
31 thousand dollars. Structures include, but are not limited to, any

1 construction or improvement to land such as public or private streets,
2 sidewalks, and utilities; golf course tee boxes, fairways, or greens;
3 drainage facilities; storm water detention areas; mitigation sites; green
4 space; landscaped areas; or other similar uses. Any application for a
5 building permit shall include a plat drawn by a person licensed as a
6 professional engineer or architect under the Engineers, ~~and~~ Architects,
7 and Registered Interior Designers Regulation Act or registered as a land
8 surveyor as provided in the Land Surveyors Regulation Act showing the
9 location of all existing and proposed structures in the area subject to
10 corridor protection.

11 Sec. 10. Section 39-2814, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 39-2814 A contracting agency shall prepare a request for proposals
14 for each design-build contract. The request for proposals shall contain,
15 at a minimum, the following elements:

16 (1) The guidelines adopted in accordance with section 39-2811. The
17 identification of a publicly accessible location of the guidelines,
18 either physical or electronic, shall be considered compliance with this
19 subdivision;

20 (2) The proposed terms and conditions of the design-build contract,
21 including any terms and conditions which are subject to further
22 negotiation;

23 (3) A project statement which contains information about the scope
24 and nature of the project;

25 (4) A statement regarding alternative technical concepts including
26 the process and time period in which such concepts may be submitted,
27 confidentiality of the concepts, and ownership of the rights to the
28 intellectual property contained in such concepts;

29 (5) Project performance criteria;

30 (6) Budget parameters for the project;

31 (7) Any bonding and insurance required by law or as may be

1 additionally required by the contracting agency;

2 (8) The criteria for evaluation of proposals and the relative weight
3 of each criterion. The criteria shall include, but are not limited to,
4 the cost of the work, construction experience, design experience, and the
5 financial, personnel, and equipment resources available for the project.
6 The relative weight to apply to any criterion shall be at the discretion
7 of the contracting agency based on each project, except that in all
8 cases, the cost of the work shall be given a relative weight of at least
9 fifty percent;

10 (9) A requirement that the design-builder provide a written
11 statement of the design-builder's proposed approach to the design and
12 construction of the project, which may include graphic materials
13 illustrating the proposed approach to design and construction and shall
14 include price proposals;

15 (10) A requirement that the design-builder agree to the following
16 conditions:

17 (a) At the time of the design-build proposal, the design-builder
18 must furnish to the contracting agency a written statement identifying
19 the architect or engineer who will perform the architectural or
20 engineering work for the project. The architect or engineer engaged by
21 the design-builder to perform the architectural or engineering work with
22 respect to the project must have direct supervision of such work and may
23 not be removed by the design-builder prior to the completion of the
24 project without the written consent of the contracting agency;

25 (b) At the time of the design-build proposal, the design-builder
26 must furnish to the contracting agency a written statement identifying
27 the general contractor who will provide the labor, material, supplies,
28 equipment, and construction services. The general contractor identified
29 by the design-builder may not be removed by the design-builder prior to
30 completion of the project without the written consent of the contracting
31 agency;

1 (c) A design-builder offering design-build services with its own
2 employees who are design professionals licensed to practice in Nebraska
3 must (i) comply with the Engineers, and Architects, and Registered
4 Interior Designers Regulation Act by procuring a certificate of
5 authorization to practice architecture or engineering and (ii) submit
6 proof of sufficient professional liability insurance in the amount
7 required by the contracting agency; and

8 (d) The rendering of architectural or engineering services by a
9 licensed architect or engineer employed by the design-builder must
10 conform to the Engineers, and Architects, and Registered Interior
11 Designers Regulation Act;

12 (11) The amount and terms of the stipend required pursuant to
13 section 39-2815; and

14 (12) Other information or requirements which the contracting agency,
15 in its discretion, chooses to include in the request for proposals.

16 Sec. 11. Section 46-1616, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 46-1616 Engineer means a professional engineer licensed under the
19 Engineers, and Architects, and Registered Interior Designers Regulation
20 Act who (1) is competent in areas related to dam investigation, design,
21 construction, and operation for the type of dam being investigated,
22 designed, constructed, or operated, (2) has at least four years of
23 relevant experience in investigation, design, construction,
24 reconstruction, enlargement, alteration, breach, removal, or abandonment
25 of dams, and (3) understands adverse consequences and dam failures.

26 Sec. 12. Section 54-2429, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 54-2429 (1) An applicant for a National Pollutant Discharge
29 Elimination System permit or a construction and operating permit under
30 the Environmental Protection Act or the Livestock Waste Management Act
31 shall, before issuance by the Department of Environment and Energy,

1 obtain any necessary approvals from the Department of Natural Resources
2 under the Safety of Dams and Reservoirs Act and certify such approvals to
3 the Department of Environment and Energy. The Department of Environment
4 and Energy, with the concurrence of the Department of Natural Resources,
5 may require the applicant to obtain approval from the Department of
6 Natural Resources for any dam, holding pond, or lagoon structure which
7 would not otherwise require approval under the Safety of Dams and
8 Reservoirs Act but which in the event of a failure could result in a
9 significant discharge into waters of the state and have a significant
10 impact on the environment. The Department of Environment and Energy may
11 provide for the payment of such costs of the Department of Natural
12 Resources with revenue generated under section 54-2428.

13 (2) An applicant required to obtain a National Pollutant Discharge
14 Elimination System permit is subject to the requirements of the Engineers
15 and Architects Regulation Act.

16 (3) An applicant who has a large concentrated animal feeding
17 operation, as defined in 40 C.F.R. 122 and 123, as such regulations
18 existed on January 1, 2004, and who is required to obtain a construction
19 and operating permit is subject to the requirements of the Engineers, and
20 Architects, and Registered Interior Designers Regulation Act.

21 (4) An applicant who has a small or medium animal feeding operation,
22 as defined in 40 C.F.R. 122 and 123, as such regulations existed on
23 January 1, 2004, and who is required to obtain a construction and
24 operating permit, but not required to obtain a National Pollutant
25 Discharge Elimination System permit, is exempt from the Engineers, and
26 Architects, and Registered Interior Designers Regulation Act.

27 (5) The department may require an engineering evaluation or
28 assessment performed by a licensed professional engineer for a livestock
29 waste control facility if after an inspection: (a) The department
30 determines that the facility has (i) visible signs of structural breakage
31 below the permanent pool, (ii) signs of discharge or proven discharge due

1 to structural weakness, (iii) improper maintenance, or (iv) inadequate
2 capacity; or (b) the department has reason to believe that an animal
3 feeding operation with a livestock waste control facility has violated or
4 threatens to violate the Environmental Protection Act, the Livestock
5 Waste Management Act, or any rules or regulations adopted and promulgated
6 under such acts. Animal feeding operations not required to have a permit
7 under the Environmental Protection Act, the Livestock Waste Management
8 Act, or the rules and regulations adopted and promulgated pursuant to
9 such acts are exempt from the Engineers, and Architects, and Registered
10 Interior Designers Regulation Act.

11 Sec. 13. Section 61-201, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 61-201 The Director of Natural Resources shall be qualified by
14 training and business experience to manage and supervise the Department
15 of Natural Resources. The director shall be a professional engineer as
16 provided in the Engineers, and Architects, and Registered Interior
17 Designers Regulation Act and have had at least five years' experience in
18 a position of responsibility in irrigation work.

19 Sec. 14. Section 76-3505, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 76-3505 New construction after September 1, 2019, shall not be
22 required to use radon resistant new construction if (1) the construction
23 project utilizes the design of an architect or professional engineer
24 licensed under the Engineers, and Architects, and Registered Interior
25 Designers Regulation Act, (2) the construction project is located in a
26 county in which the average radon concentration is less than two and
27 seven-tenths picocuries per liter of air as determined by the department
28 pursuant to section 76-3507, or (3) other than for any residential
29 dwelling unit, a local building official makes a determination, after a
30 review of relevant guidelines for the intended use of the structure and
31 property conditions, that radon resistant new construction is not

1 necessary.

2 Sec. 15. Section 81-8,126, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 81-8,126 The Land Surveyors Regulation Act shall not apply to (1)
5 any land surveyor working for the United States Government while
6 performing his or her duties as an employee of the government, (2) any
7 person employed as an assistant to a land surveyor registered under the
8 act, or (3) any professional engineer or person working under the direct
9 supervision of a professional engineer licensed under the Engineers, and
10 Architects, and Registered Interior Designers Regulation Act doing work
11 which does not involve the location, description, establishment, or
12 reestablishment of property corners or property lines or work which does
13 not create descriptions, definitions, or areas for transfer of an estate
14 in real property.

15 Sec. 16. Section 81-8,198.01, Revised Statutes Cumulative
16 Supplement, 2020, is amended to read:

17 81-8,198.01 (1) Landscape architecture design projects involving
18 more than one design professional shall have a designated coordinating
19 professional for the entire project. The coordinating professional may,
20 but need not, provide professional services on the project. The
21 coordinating professional shall apply his or her seal in accordance with
22 the Engineers, and Architects, and Registered Interior Designers
23 Regulation Act or the Professional Landscape Architects Act to the cover
24 sheet of all documents and denote the seal as that of the coordinating
25 professional.

26 (2) The coordinating professional shall be responsible for reviewing
27 and coordinating technical documents prepared by any other design
28 professional for compatibility with the design of the project.

29 Sec. 17. Section 81-1609, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 81-1609 As used in sections 81-1608 to 81-1626, unless the context

1 otherwise requires:

2 (1) Department means the Department of Environment and Energy;

3 (2) Contractor means the person or entity responsible for the
4 overall construction of any building or the installation of any component
5 which affects the energy efficiency of the building;

6 (3) Architect or engineer means any person licensed as an architect
7 or professional engineer under the Engineers, and Architects, and
8 Registered Interior Designers Regulation Act;

9 (4) Building means any new structure, renovated building, or
10 addition which is used or intended for supporting or sheltering any use
11 or occupancy, but not including any structure which has a consumption of
12 traditional energy sources for all purposes not exceeding the energy
13 equivalent of three and four-tenths British Thermal Units per hour or one
14 watt per square foot;

15 (5) Residential building means a building three stories or less that
16 is used primarily as one or more dwelling units;

17 (6) Renovation means alterations on an existing building which will
18 cost more than fifty percent of the replacement cost of such building at
19 the time work is commenced or which was not previously heated or cooled,
20 for which a heating or cooling system is now proposed, except that the
21 restoration of historical buildings shall not be included;

22 (7) Addition means an extension or increase in the height,
23 conditioned floor area, or conditioned volume of a building or structure;

24 (8) Floor area means the total area of the floor or floors of a
25 building, expressed in square feet, which is within the exterior faces of
26 the shell of the structure which is heated or cooled;

27 (9) Nebraska Energy Code means the 2018 International Energy
28 Conservation Code published by the International Code Council;

29 (10) Traditional energy sources means electricity, petroleum-based
30 fuels, uranium, coal, and all nonrenewable forms of energy; and

31 (11) Equivalent or equivalent code means standards that meet or

1 exceed the requirements of the Nebraska Energy Code.

2 Sec. 18. Section 81-3401, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 81-3401 Sections 81-3401 to 81-3455 and sections 25, 28, 30, 31, and
5 59 to 61 of this act shall be known and may be cited as the Engineers,
6 and Architects, and Registered Interior Designers Regulation Act.

7 Sec. 19. Section 81-3402, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 81-3402 (1) In order to safeguard life, health, and property and to
10 promote the public welfare, the professions of architecture, and
11 engineering, and interior design are declared to be subject to regulation
12 in the public interest.

13 (2) The practice of architecture and engineering and use of the
14 titles architect or professional engineer is a privilege granted by the
15 state through the board based on the qualifications of the individual as
16 evidenced by a certificate of licensure which is not transferable.

17 (3) The use of the title registered interior designer is a privilege
18 granted by the state through the board based on the qualifications of the
19 individual as evidenced by inclusion on the registry. After January 1,
20 2022, it shall be unlawful for any person to use the title or imply that
21 such person is a registered interior designer unless the person is
22 registered under the Engineers, Architects, and Registered Interior
23 Designers Regulation Act.

24 Sec. 20. Section 81-3403, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 81-3403 For purposes of the Engineers, and Architects, and
27 Registered Interior Designers Regulation Act, the definitions found in
28 sections 81-3403.01 to 81-3427 and sections 25, 28, 30, and 31 of this
29 act shall be used.

30 Sec. 21. Section 81-3405, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-3405 Board means the Board of Engineers, ~~and~~ Architects, and
2 Registered Interior Designers.

3 Sec. 22. Section 81-3408, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 81-3408 Coordinating professional means a licensee or registrant who
6 coordinates, as appropriate, the work of all licensees or registrants
7 involved in a project.

8 Sec. 23. Section 81-3409, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 81-3409 Design means the preparation of schematics, layouts, plans,
11 drawings, specifications, calculations, and other diagnostic documents
12 which show the features of an architectural, ~~or~~ engineering, or interior
13 design project.

14 Sec. 24. Section 81-3411, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 81-3411 Direct supervision means having full professional knowledge
17 and control over work that constitutes the practice of architecture, ~~or~~
18 engineering, or interior design.

19 Sec. 25. Interior nonstructural element means an element or
20 component of a building that does not require structural bracing, is not
21 a load-bearing element, or is not essential to a project's structural or
22 seismic integrity.

23 Sec. 26. Section 81-3420, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 81-3420 (1) Practice of architecture means providing or offering to
26 provide design services in connection with the construction, enlargement,
27 or alteration of a building or group of buildings and the space within
28 and surrounding the buildings. The services may include, but not be
29 limited to, planning, providing studies, designs, drawings,
30 specifications, and other technical submissions, and administering
31 construction contracts. The practice of architecture does not include the

1 practice of engineering.

2 (2) A person shall be construed to practice architecture, within the
3 meaning and intent of the Engineers, ~~and~~ Architects, and Registered
4 Interior Designers Regulation Act, if such person ~~he or she~~:

5 (a) Practices the profession of architecture or holds himself or
6 herself out as able and entitled to practice architecture;

7 (b) By verbal claim, sign, advertisement, letterhead, or card or in
8 any other way, represents himself or herself to be an architect; or

9 (c) Through the use of some other title, implies that such person ~~he~~
10 ~~or she~~ is an architect or licensed under the Engineers, ~~and~~ Architects,
11 and Registered Interior Designers Regulation Act.

12 Sec. 27. Section 81-3421, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 81-3421 (1) Practice of engineering means any service or creative
15 work that requires engineering education, training, and experience in the
16 application of special knowledge of the mathematical, physical, and
17 engineering sciences. The services may include, but not be limited to,
18 planning, providing studies, designs, drawings, specifications, and other
19 technical submissions, and administering construction contracts. The
20 practice of engineering does not include the practice of architecture.

21 (2) A person shall be construed to practice engineering, within the
22 meaning and intent of the Engineers, ~~and~~ Architects, and Registered
23 Interior Designers Regulation Act, if such person ~~he or she~~:

24 (a) Practices any discipline of the profession of engineering or
25 holds himself or herself out as able and entitled to practice any
26 discipline of engineering;

27 (b) By verbal claim, sign, advertisement, letterhead, or card or in
28 any other way, represents himself or herself to be a professional
29 engineer; or

30 (c) Through the use of some other title, implies that such person ~~he~~
31 ~~or she~~ is a professional engineer or licensed under the Engineers, ~~and~~

1 Architects, and Registered Interior Designers Regulation Act.

2 Sec. 28. (1) Practice of interior design means providing or
3 offering to provide (a) programming, planning, predesign analysis, and
4 conceptual design of an interior nonstructural element of a building, (b)
5 the selection of materials, furniture, and fixtures, (c) alteration and
6 construction of an interior nonstructural element and any interior
7 technical submission related to such alteration or construction, and (d)
8 preparation of a physical plan of space within a proposed or existing
9 building or structure, including the determination of any internal
10 circulation system or pattern, the determination of the location of any
11 internal exit requirement based on the occupancy load, and the assessment
12 and analysis of all factors to comply with any building code and design
13 standard related to an interior nonstructural element.

14 (2) Practice of interior design does not include the design,
15 construction, or alteration of (a) a foundation, beam, truss, column, and
16 any other primary structural framing member, and seismic system, (b) a
17 structural concrete slab, roof-framing structure, and any load-bearing
18 and shear wall, (c) any opening in a roof and exterior wall, (d) any
19 exterior penetration such as a window and a door, and (e) the engineering
20 of any heating, ventilating, and air conditioning equipment and
21 distribution system, building management system, high voltage and medium-
22 voltage electrical distribution system, standby and emergency power and
23 distribution system, plumbing and plumbing monitoring system, and related
24 building system.

25 Sec. 29. Section 81-3422.01, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

27 81-3422.01 Project means one or more related activities that require
28 the practice of architecture, ~~or~~ engineering, or interior design for
29 completion.

30 Sec. 30. Registered interior designer means an interior designer
31 listed on the registry of interior designers under the Engineers,

1 Architects, and Registered Interior Designers Regulation Act.

2 Sec. 31. Registrant means a registered interior designer.

3 Sec. 32. Section 81-3426, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-3426 Rules and regulations means rules and regulations adopted
6 and promulgated under the Engineers, ~~and~~ Architects, and Registered
7 Interior Designers Regulation Act by the board.

8 Sec. 33. Section 81-3428, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 81-3428 (1) The Board of Engineers, ~~and~~ Architects, and Registered
11 Interior Designers is created to administer the Engineers, ~~and~~
12 Architects, and Registered Interior Designers Regulation Act. The board
13 shall consist of ~~ten~~ eight members appointed by the Governor for terms of
14 five years terminating on the last day of February. The board shall
15 consist of:

16 (a) Three architect members, two of whom shall be appointed after
17 consulting with the appropriate architectural professional organizations,
18 and one education member who is a faculty member of the University of
19 Nebraska appointed upon the recommendation of the Dean of Architecture of
20 the University of Nebraska;

21 (b) Four professional engineer members, three of whom shall be
22 appointed after consulting with the appropriate engineering professional
23 organizations, and one education member who is a faculty member of the
24 University of Nebraska appointed upon the recommendation of the Dean of
25 Engineering of the University of Nebraska; ~~and~~

26 (c) Two registered interior designer members, who shall be appointed
27 within ninety days of the effective date of this act after consulting
28 with the appropriate interior design professional organizations; and

29 (d) (e) One public member.

30 (2) Each member shall hold office after the expiration of such
31 member's ~~his or her~~ term until a ~~his or her~~ successor is duly appointed

1 and qualified. Vacancies in the membership of the board, however created,
2 shall be filled for the unexpired term by appointment by the Governor.
3 The Governor shall reappoint or replace existing members as their terms
4 expire, and the public member shall be reappointed or replaced in the
5 fifth year of such member's ~~his or her~~ term. The Governor may remove any
6 member of the board for misconduct, incompetency, or neglect of duty.

7 (3) Each member of the board shall be a citizen of the United States
8 and a resident of the State of Nebraska for at least one year immediately
9 preceding appointment. Each architect or professional engineer member
10 shall have been engaged in the active practice of the design profession
11 for at least ten years and shall have been licensed in the relevant
12 profession for at least five years at the time of such member's ~~his or~~
13 ~~her~~ appointment. Each registered interior designer member shall have been
14 engaged in the active practice of interior design for at least ten years
15 at the time of such member's appointment.

16 (4) The board may designate a former member of the board as an
17 emeritus member, but for no more than ten years after his or her original
18 board membership expires. Emeritus member status, when conferred, must be
19 renewed annually.

20 (5) The board offices shall be located in Lincoln, Nebraska.

21 Sec. 34. Section 81-3429, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 81-3429 (1) Each member of the board shall receive as compensation
24 not more than one hundred dollars per day or portion of a day for (a)
25 participating in meetings of the board and its committees, (b) traveling
26 to or attending authorized meetings of the National Council of
27 Architectural Registration Boards, the National Council of Examiners for
28 Engineering and Surveying, or their subdivisions or committees on which
29 the member serves, and (c) other business as authorized by the board.
30 Participation in, attendance at, and conduct of such authorized
31 activities by telephone or electronic means shall be eligible for such

1 compensation.

2 (2) Each member of the board shall be reimbursed for all necessary
3 and authorized expenses incident to the performance of such member's his
4 ~~or her~~ duties under the Engineers, and Architects, and Registered
5 Interior Designers Regulation Act as provided in sections 81-1174 to
6 81-1177.

7 Sec. 35. Section 81-3430, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 81-3430 Each member of the board shall receive a certificate of
10 appointment from the Governor and, before beginning such member's his or
11 ~~her~~ term of office, shall file with the Secretary of State the
12 constitutional oath of office. The board or any committee of the board is
13 entitled to the services of the Attorney General in connection with the
14 affairs of the board, and the board may compel the attendance of
15 witnesses, administer oaths, and take testimony and proofs concerning all
16 matters within its jurisdiction. The Attorney General shall act as legal
17 advisor to the board and render such legal assistance as may be necessary
18 in carrying out the Engineers, and Architects, and Registered Interior
19 Designers Regulation Act. The board shall adopt and have an official
20 seal, which shall be affixed to all certificates of licensure granted,
21 and shall adopt and promulgate rules and regulations to carry out the
22 act.

23 Sec. 36. Section 81-3432, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 81-3432 The Engineers, and Architects, and Registered Interior
26 Designers Regulation Fund is created. The board shall receive and account
27 for all money derived from the operation of the Engineers, and
28 Architects, and Registered Interior Designers Regulation Act and shall
29 remit the money to the State Treasurer for credit to the Engineers, and
30 Architects, and Registered Interior Designers Regulation Fund. All
31 expenses certified by the board as properly and necessarily incurred in

1 the discharge of duties, including compensation and administrative staff,
2 and any expense incident to the administration of the act relating to
3 other states shall be paid out of the fund. Debt repayments payable
4 pursuant to section 81-3432.01 shall be paid out of the fund. Warrants
5 for the payment of expenses shall be issued by the Director of
6 Administrative Services and paid by the State Treasurer upon presentation
7 of vouchers regularly drawn by the chairperson and secretary of the board
8 and approved by the board. At no time shall the total amount of warrants
9 exceed the total amount of the fees collected under the act and to the
10 credit of the fund. Any money in the fund available for investment shall
11 be invested by the state investment officer pursuant to the Nebraska
12 Capital Expansion Act and the Nebraska State Funds Investment Act. Money
13 in the Engineers, ~~and~~ Architects, and Registered Interior Designers
14 Regulation Fund may be transferred to the General Fund at the direction
15 of the Legislature.

16 Sec. 37. Section 81-3432.01, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 81-3432.01 (1) The board may repay qualified educational debt owed
19 by an eligible graduate. Such repayment shall be made from the Engineers,
20 ~~and~~ Architects, and Registered Interior Designers Regulation Fund. To be
21 eligible for debt repayment, a recipient shall be a graduate of (a) a
22 National Architectural Accrediting Board-accredited architecture program
23 in Nebraska, ~~or~~ (b) an ABET-accredited engineering program in Nebraska,
24 or (c) a Council for Interior Design Accreditation-accredited interior
25 design program in Nebraska and shall have obtained qualified educational
26 debt.

27 (2) For purposes of this section, qualified educational debt means
28 government and commercial loans obtained by a student for postsecondary
29 education tuition, other educational expenses, and reasonable living
30 expenses, as determined by the board.

31 (3) The board may adopt and promulgate rules and regulations

1 governing any debt repayment under this section.

2 Sec. 38. Section 81-3433, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 81-3433 The board shall maintain and make available to the public a
5 complete roster of all architects, ~~and~~ professional engineers, and
6 registered interior designers showing their names and last-known
7 addresses. The board may distribute a copy of the roster to each licensee
8 or registrant licensed person as well as county and municipal officials.
9 The board may charge a fee for distributing the roster.

10 Sec. 39. Section 81-3434, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 81-3434 (1) The Legislature hereby finds and declares that a code of
13 practice established by the board by which architects, ~~and~~ professional
14 engineers, and registered interior designers could govern their
15 professional conduct would be beneficial to the state and would safeguard
16 the life, health, and property and promote the public welfare of the
17 citizens of this state.

18 (2) The code of practice established by this section shall include
19 provisions on:

20 (a) Professional competence;

21 (b) Conflict of interest;

22 (c) Full disclosure of financial interest;

23 (d) Full disclosure of matters affecting public safety, health, and
24 welfare;

25 (e) Compliance with laws;

26 (f) Professional conduct and good ethical character standards; and

27 (g) Practice of architecture, ~~and~~ engineering, and interior design.

28 (3) The board may adopt and promulgate rules and regulations to
29 implement the code of practice.

30 (4) The board may publish commentaries regarding the code of
31 practice. The commentaries shall explain the meaning of interpretations

1 given to the code by the board.

2 Sec. 40. Section 81-3435, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 81-3435 (1) Applications for licensure, examination, intern
5 enrollment, a certificate of authorization, ~~or~~ emeritus status, or
6 interior design registration shall be made on a form prescribed and
7 furnished by the board. Applications shall be made under oath.

8 (2) The board may accept the verified information contained in a
9 valid Council Record issued by the National Council of Architectural
10 Registration Boards, ~~or~~ the National Council of Examiners for Engineering
11 and Surveying, or the Council for Interior Design Qualification in lieu
12 of the same information that is required on the form prescribed and
13 furnished by the board.

14 (3)(a) The board shall establish application, ~~and~~ licensure, and
15 registration fees as provided in this subsection. All fees are
16 nonrefundable.

17 (b) The fee for license applications may not exceed three hundred
18 dollars.

19 (c) The fee for examination applications may be set to recover the
20 costs of examination and its administration.

21 (d) The fee for intern enrollment may not exceed one hundred
22 dollars.

23 (e) The certificate of authorization fee for organizations may not
24 exceed three hundred dollars per year.

25 (f) The fee for emeritus status may not exceed one hundred dollars
26 per year.

27 (g) The fee for interior design registration may not exceed two
28 hundred dollars.

29 Sec. 41. Section 81-3436, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 81-3436 (1) An individual licensed under the Engineers, ~~and~~

1 Architects, and Registered Interior Designers Regulation Act may practice
2 or offer to practice the profession of architecture or engineering
3 through an organization if the criteria for organizational practice
4 established by the board are met and the organization has been issued a
5 certificate of authorization by the board.

6 (2) An organization applying for a certificate of authorization
7 shall designate at least one licensed architect as the person in
8 responsible charge of any practice of architecture by the organization
9 and at least one professional engineer as the person in responsible
10 charge of any practice of engineering by the organization. One who
11 renders only occasional professional services for an organization may not
12 be designated as being in responsible charge of the professional
13 activities of an organization under this section.

14 (3) To obtain a certificate of authorization, a board-approved
15 application shall be filed with the board. The application shall contain
16 the names and license numbers of the individual or individuals designated
17 as in responsible charge and licensed to practice architecture or
18 engineering in Nebraska. Certificates of authorization shall be for a
19 defined period and may be renewed.

20 (4) An organization shall notify the board of any changes in the
21 status of any individual designated as in responsible charge within
22 thirty days after the effective date of the change.

23 (5) All technical submissions issued or filed for public record
24 through an organization involving the practice of architecture or
25 engineering shall be sealed in accordance with the act by the licensee
26 who prepared the submissions or under whose direct supervision they were
27 prepared.

28 (6) An organization is not relieved of responsibility for the
29 conduct or acts of its agents, employees, officers, or partners by reason
30 of its compliance with this section. An individual practicing
31 architecture or engineering is not relieved of responsibility for

1 services performed by reason of employment or any other relationship with
2 an organization holding a certificate of authorization.

3 (7) The Secretary of State shall not issue a certificate of
4 authority to do business in the state to an applicant or issue a
5 registration of name in the state to an organization which intends to
6 engage in the practice of architecture or engineering unless the board
7 has issued the applicant a certificate of authorization or a letter
8 indicating the eligibility of the applicant to receive a certificate or
9 to register the name.

10 (8) Except as otherwise authorized in the Engineers, ~~and~~ Architects,
11 and Registered Interior Designers Regulation Act or in the Professional
12 Landscape Architects Act, the Secretary of State shall not register any
13 trade name or service mark which includes the words architect or
14 engineer, or any modification or derivative of such words, in an
15 applicant's firm name or logotype unless the board has issued the
16 applicant a certificate of authorization or a letter indicating the
17 eligibility of the applicant to register the trade name or service mark.

18 (9) A public service provider or an organization may engage in the
19 practice of architecture or engineering for itself without obtaining a
20 certificate of authorization.

21 Sec. 42. Section 81-3436.01, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 81-3436.01 (1) Providing combined services involving the practice of
24 architecture, ~~or~~ engineering, or interior design, or any combination of
25 such practices ~~both~~, with construction services is allowed if:

26 (a) An architect participates substantially in, and has direct
27 supervision of, the architectural services provided on the project;

28 (b) A professional engineer participates substantially in, and has
29 direct supervision of, the engineering services provided on the project;

30 and

31 (c) The rendering of architectural, ~~or~~ professional engineering, or

1 interior design services conforms to the Engineers, ~~and~~ Architects, and
2 Registered Interior Designers Regulation Act and the rules and
3 regulations.

4 (2) A temporary permit holder under the act may perform engineering
5 or architectural services pursuant to this section.

6 Sec. 43. Section 81-3437, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 81-3437 (1) The board shall issue to any applicant who, on the basis
9 of education, experience, and examination, has met the requirements of
10 the Engineers, ~~and~~ Architects, and Registered Interior Designers
11 Regulation Act a certificate of licensure giving the licensee proper
12 authority to carry out the prerogatives of the act. If a professional
13 engineer's license has been issued in a specific discipline, the
14 discipline shall be specified on the certificate of licensure. The
15 certificate of licensure shall carry the designation Licensed Architect
16 or Licensed Professional (discipline) Engineer. The certificate shall
17 give the full name of the licensee and license number and shall be signed
18 by the chairperson of the board, the secretary of the board, and one
19 other board member.

20 (2) The certificate of licensure shall be prima facie evidence that
21 the person is entitled to all rights, privileges, and responsibilities of
22 an architect or a professional engineer while the certificate of
23 licensure remains unrevoked and unexpired.

24 (3) The board shall issue to any applicant who, on the basis of
25 education and examination, has met the requirements of the Engineers, ~~and~~
26 Architects, and Registered Interior Designers Regulation Act a
27 certificate of enrollment as an engineer-intern. The engineer-intern
28 certificate does not authorize the holder to practice as a professional
29 engineer.

30 Sec. 44. Section 81-3437.01, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

1 81-3437.01 (1)(a) ~~(1)~~ Each licensee authorized to practice
2 architecture or engineering must obtain a seal. The design of the seal
3 shall be determined by the board. If a professional engineer's license
4 has been issued in a specific discipline, the discipline shall be
5 specified on the seal. The following information shall be on the seal:
6 State of Nebraska; licensee's name; licensee's license number; and the
7 words Architect or Professional (discipline) Engineer.

8 (b) Each registrant must obtain a seal. The design of the seal shall
9 be determined by the board. The following information shall be on the
10 seal: State of Nebraska; registrant's name; registrant's business city;
11 and the words Registered Interior Designer.

12 (2) Whenever the seal is applied, the licensee's or registrant's
13 signature shall be across the seal. The board may adopt and promulgate
14 rules and regulations for application of the seal.

15 (3) The seal and the date of its placement shall be on all technical
16 submissions and calculations whenever presented to a client or any public
17 or governmental agency. It shall be unlawful for a licensee or registrant
18 to affix such licensee's or registrant's ~~his or her~~ seal or to permit
19 such licensee's or registrant's ~~his or her~~ seal to be affixed to any
20 document after the expiration of the certificate or registration or for
21 the purpose of aiding or abetting any other person to evade or attempt to
22 evade the Engineers, ~~and~~ Architects, and Registered Interior Designers
23 Regulation Act.

24 (4) The seal and date shall be placed on all originals, copies,
25 tracings, or other reproducible drawings and the first and last pages of
26 specifications, reports, and studies in such a manner that the seal,
27 signature, and date will be reproduced and be in compliance with rules
28 and regulations of the board. The application of the licensee's or
29 registrant's seal shall constitute certification that the work was done
30 by the licensee or registrant or under the licensee's or registrant's
31 control.

1 (5) In the case of a temporary permit issued to a licensee of
2 another state, the licensee shall use his or her state of licensure seal
3 and shall affix his or her signature and temporary permit to all his or
4 her work.

5 Sec. 45. Section 81-3437.02, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 81-3437.02 (1) Projects involving more than one licensed architect,
8 ~~or~~ professional engineer, or registered interior designer shall have an
9 architect, ~~or~~ professional engineer, or registered interior designer
10 designated as the coordinating professional for the entire project. The
11 coordinating professional may, but need not, provide architectural, ~~or~~
12 engineering, or interior design services on the project. The coordinating
13 professional shall apply such professional's ~~his or her~~ seal in
14 accordance with the Engineers, ~~and~~ Architects, and Registered Interior
15 Designers Regulation Act to the cover sheet of all documents and denote
16 the seal as that of the coordinating professional.

17 (2) The coordinating professional shall be responsible for reviewing
18 and coordinating technical documents prepared by others for compatibility
19 with the design of the project.

20 Sec. 46. Section 81-3438, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 81-3438 Certificates of licensure, ~~and~~ certificates of
23 authorization, and interior design registration shall expire on a date
24 established by the board and shall become invalid after that date unless
25 renewed. The board shall notify every person licensed or registered under
26 the Engineers, ~~and~~ Architects, and Registered Interior Designers
27 Regulation Act and every organization holding a certificate of
28 authorization under the act of the date of the expiration of the
29 certificate of licensure, ~~or~~ certificate of authorization, or interior
30 design registration and the amount of the fee required for renewal. The
31 notice shall be provided at least one month in advance of the date of the

1 expiration to the licensee, registrant, or organization at the last-known
2 address on file with the board. Valid certificates or registrations may
3 be renewed prior to expiration upon application and payment of applicable
4 fees. Expired certificates or registrations may be renewed in accordance
5 with rules and regulations of the board. Renewal fees shall not exceed
6 two hundred dollars per year. The board may require licensees or
7 registrants to obtain continuing education as a condition of license
8 renewal or continued registry listing.

9 Sec. 47. Section 81-3440, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 81-3440 The board shall enforce the Engineers, ~~and~~ Architects, and
12 Registered Interior Designers Regulation Act and the rules and
13 regulations, including enforcement against any unlicensed person. If any
14 person refuses to obey any decision or order of the board, the board or,
15 upon the request of the board, the Attorney General or the appropriate
16 county attorney shall file an action for the enforcement of the decision
17 or order, including injunctive relief, in the district court. After a
18 hearing, the court shall order enforcement of the decision or order, or
19 any part thereof, if legally and properly made by the board and, if
20 appropriate, injunctive relief.

21 Sec. 48. Section 81-3441, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 81-3441 Except as provided in sections 81-3414, 81-3415, 81-3449,
24 and 81-3453, an individual shall not directly or indirectly engage in the
25 practice of architecture or engineering in the state or use the title
26 architect or professional engineer or display or use any words, letters,
27 figures, titles, sign, card, advertisement, or other symbol or device
28 indicating or tending to indicate that such person ~~he or she~~ is an
29 architect or professional engineer or is practicing architecture or
30 engineering unless such person ~~he or she~~ is licensed under the Engineers,
31 ~~and~~ Architects, and Registered Interior Designers Regulation Act. A

1 licensee shall not aid or abet any person not licensed under the act in
2 the practice of architecture or engineering.

3 Sec. 49. Section 81-3442, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 81-3442 (1) It is unlawful for any person to:

6 (a) Practice or offer to practice architecture or engineering in
7 this state without being licensed in accordance with the Engineers, ~~and~~
8 Architects, and Registered Interior Designers Regulation Act unless such
9 practice or offer to practice is otherwise exempt under the act;

10 (b) Knowingly and intentionally employ or retain a person to
11 practice architecture or engineering in this state who is not licensed in
12 accordance with the act, except as provided in sections 81-3414 and
13 81-3415, and who is not exempted by section 81-3449 or 81-3453;

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

17 (d) Advertise any title or description tending to convey the
18 impression that he or she is a licensed architect or professional
19 engineer unless the person is duly licensed under the Engineers, ~~and~~
20 Architects, and Registered Interior Designers Regulation Act;

21 (e) Use the title registered interior designer or similar
22 description to convey the impression that such person is a registered
23 interior designer unless the person is registered under the Engineers,
24 Architects, and Registered Interior Designers Regulation Act;

25 ~~(f)~~ (e) Present or attempt to use the certificate of licensure, the
26 registration, or the seal of another person;

27 ~~(g)~~ (f) Give any false or forged evidence of any kind to the board
28 or to any member of the board in obtaining or attempting to obtain a
29 certificate or registration;

30 ~~(h)~~ (g) Falsely impersonate any other licensee or registrant of like
31 or different name;

1 (i) ~~(h)~~ Attempt to use an expired, suspended, revoked, or
2 nonexistent certificate of licensure or practice or offer to practice
3 when not qualified;

4 (j) Claim to be a registered interior designer when such
5 registration is expired, suspended, revoked, or non-existent;

6 (k) ~~(i)~~ Falsely claim that such person ~~he or she~~ is licensed or
7 authorized under the act; or

8 (1) ~~(j)~~ Violate the act.

9 (2) Any person who performs any of the actions described in
10 subsection (1) of this section is guilty of a Class I misdemeanor for the
11 first offense and a Class IV felony for the second or any subsequent
12 offense.

13 Sec. 50. Section 81-3443, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

15 81-3443 (1) A complaint against any person or organization involving
16 any matter coming within the jurisdiction of the board shall be in
17 writing and shall be filed with the board.

18 (2) A hearing on the complaint shall be held within a reasonable
19 time in accordance with the rules and regulations and may be heard
20 through the use of a hearing officer. The accused shall have the right to
21 appear personally with or without counsel, to cross-examine adverse
22 witnesses, and to produce evidence and witnesses in such person's or
23 organization's ~~his, her, or its~~ defense.

24 (3) The board shall set the time and place for the hearing and shall
25 cause a copy of the complaint, together with a notice of the time and
26 place fixed for the hearing, to be sent by registered mail to the
27 accused, at such person's or business's ~~his, her, or its~~ last-known
28 business or residence address known to the board, at least thirty days
29 before the hearing.

30 (4) If after the hearing the board finds the accused has violated
31 the Engineers, and Architects, and Registered Interior Designers

1 Regulation Act or any rules or regulations, it may issue any order or
2 take any action described in section 81-3444. If the order revokes,
3 suspends, or cancels a license or registration, the board shall notify,
4 in writing, the Secretary of State. If the board finds no violation, it
5 shall enter an order dismissing the complaint.

6 (5) The board may reissue a license or registration that has been
7 revoked. Application for the reissuance of a license or registration
8 shall be made in such a manner as the board directs and shall be
9 accompanied by a fee established by the board.

10 Sec. 51. Section 81-3444, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 81-3444 (1) The board, after hearing and upon proof satisfactory to
13 the board, may determine by two-thirds majority vote that any person or
14 organization has violated the Engineers, and Architects, and Registered
15 Interior Designers Regulation Act or any rules or regulations.

16 (2) Upon a finding that a person or organization has committed a
17 violation, one or more of the following actions may be taken against such
18 person or organization upon a two-thirds majority vote of the board:

19 (a) Issuance of censure or reprimand;

20 (b) Suspension of judgment;

21 (c) Placement of the offender on probation;

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

26 (e) Placement of a limitation on the holder of a registration and
27 upon the right of the holder of a registration to use the title
28 registered interior designer to such extent, scope, or type of practice
29 for such time and under such conditions as are necessary and proper;

30 (f) ~~(e)~~ Imposition of a civil penalty not to exceed ten thousand
31 dollars for each offense. The amount of the penalty shall be based on the

1 severity of the violation;

2 ~~(g) (f)~~ Entrance of an order of revocation, suspension, or
3 cancellation of the certificate of licensure or registration;

4 ~~(h) (g)~~ Issuance of a cease and desist order;

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

9 ~~(j) (i)~~ Dismissal of the action.

10 (3) The board may take into account suitable evidence of reform when
11 determining appropriate action.

12 (4) Civil penalties collected under subdivision ~~(2)(f) (2)(e)~~ of
13 this section shall be remitted to the State Treasurer for distribution in
14 accordance with Article VII, section 5, of the Constitution of Nebraska.
15 All costs collected under subdivision ~~(2)(i) (2)(h)~~ of this section shall
16 be remitted to the State Treasurer for credit to the Engineers, ~~and~~
17 Architects, and Registered Interior Designers Regulation Fund.

18 Sec. 52. Section 81-3446, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 81-3446 (1) A project on private land is subject to the provisions
21 of the Engineers, ~~and~~ Architects, and Registered Interior Designers
22 Regulation Act unless exempt under section 81-3449 or 81-3453.

23 (2) The owner of any real property who allows a project to be
24 constructed on such owner's ~~his or her~~ real property is engaged in the
25 practice of architecture or engineering unless such owner ~~he or she~~
26 employs or causes others to employ licensed architects or professional
27 engineers or persons under the direct supervision of licensed architects
28 or professional engineers to furnish at least minimum construction phase
29 services with respect to the project or is exempt from the Engineers, ~~and~~
30 Architects, and Registered Interior Designers Regulation Act under
31 sections 81-3449 and 81-3453.

1 (3) For purposes of this section:

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

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

21 Sec. 53. Section 81-3448, Revised Statutes Cumulative Supplement,
22 2020, is amended to read:

23 81-3448 (1) The following shall be considered as the minimum
24 evidence satisfactory to the board that an applicant is eligible for
25 initial licensure as an architect:

26 (a)(i) Graduation from a program accredited by the National
27 Architectural Accrediting Board;

28 (ii) Graduation from a program accredited by the Canadian
29 Architectural Certification Board; or

30 (iii) Satisfying the requirements of the Education Standard of the
31 National Council of Architectural Registration Boards as determined by

1 the council;

2 (b) Passage of an examination on technical and professional subjects
3 of architecture;

4 (c) Completion of the Architectural Experience Program of the
5 National Council of Architectural Registration Boards, or its equivalent
6 as determined by the council or the Board of Engineers and Architects;

7 (d) Passage of an examination on the statutes, rules, and other
8 requirements unique to this state; and

9 (e) Demonstration of good reputation and good ethical character by
10 attestation of references. The names and complete addresses of references
11 acceptable to the board shall be included in the application for
12 licensure.

13 (2) An individual holding a license to practice architecture issued
14 by a proper authority of any jurisdiction, based on credentials that do
15 not conflict with subsection (1) of this section and other provisions of
16 the Engineers, and Architects, and Registered Interior Designers
17 Regulation Act, may, upon application, be licensed as an architect after:

18 (a) Successful passage of an examination on the statutes, rules, and
19 other requirements unique to this state; and

20 (b) Demonstration of good reputation and good ethical character by
21 attestation of references. The names and complete addresses of references
22 acceptable to the board shall be included in the application for
23 licensure.

24 (3) An individual who holds a current and valid certification issued
25 by the National Council of Architectural Registration Boards and who
26 submits satisfactory evidence of such certification to the board may,
27 upon application, be licensed as an architect after:

28 (a) Successful passage of an examination on the statutes, rules, and
29 other requirements unique to this state; and

30 (b) Demonstration of good reputation and good ethical character by
31 attestation of references. The names and complete addresses of references

1 acceptable to the board shall be included in the application for
2 licensure.

3 (4) An individual who has been licensed to practice architecture for
4 fifteen years or more in one or more jurisdictions and who has practiced
5 architecture for fifteen years in compliance with the licensing laws in
6 the jurisdictions where his or her architectural practice has occurred
7 since initial licensure may, upon application, be licensed as an
8 architect after:

9 (a) Successful passage of an examination on the statutes, rules, and
10 other requirements unique to this state; and

11 (b) Demonstration of good reputation and good ethical character by
12 attestation of references. The names and complete addresses of references
13 acceptable to the board shall be included in the application for
14 licensure.

15 (5) Upon application to the board in writing and payment of a fee
16 established by the board, an individual who holds a valid license to
17 practice architecture in another jurisdiction may be issued a temporary
18 permit, valid for a definite period of time, to provide architectural
19 services for a specific project. An individual may not be issued more
20 than one temporary permit. No right to practice architecture accrues to
21 such applicant with respect to any other work not set forth in the
22 temporary permit. Temporary permit holders are subject to all of the
23 provisions of the Engineers, and Architects, and Registered Interior
24 Designers Regulation Act governing the practice of architecture.

25 (6) None of the examination materials described in this section
26 shall be considered public records.

27 (7) The board or its agent shall direct the time and place of the
28 architectural examinations referenced in subsection (1) of this section.

29 (8) The board may adopt the examinations and grading procedures of
30 the National Council of Architectural Registration Boards. The board may
31 also adopt guidelines published by the council.

1 (9) Licensure shall be effective upon issuance.

2 Sec. 54. Section 81-3449, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 81-3449 The provisions of the Engineers, ~~and~~ Architects, and
5 Registered Interior Designers Regulation Act regulating the practice of
6 architecture do not apply to the following activities:

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

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

28 (3) The construction, remodeling, alteration, or renovation of farm
29 buildings, including barns, silos, sheds, or housing for farm equipment
30 and machinery, livestock, poultry, or storage, if the structures are
31 designed to be occupied by no more than twenty persons. Such exemption

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

5 (4) Any public works project with contemplated expenditures for a
6 completed project that do not exceed one hundred thousand dollars. The
7 board shall adjust the dollar amount in this subdivision every fifth
8 year. The first such adjustment after August 27, 2011, shall be effective
9 on July 1, 2014. The adjusted amount shall be equal to the then current
10 amount adjusted by the cumulative percentage change in the Consumer Price
11 Index for All Urban Consumers published by the Federal Bureau of Labor
12 Statistics for the five-year period preceding the adjustment date. The
13 amount shall be rounded to the next highest one-thousand-dollar amount;

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

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

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

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

31 (9) A public service provider or an organization who employs a

1 licensee performing professional services for itself;

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

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

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

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

31 (14) The work of employees and agents of a political subdivision or

1 a nonprofit entity organized for the purpose of furnishing electrical
2 service performing, in accordance with other requirements of law, their
3 customary duties in the administration and enforcement of codes, permit
4 programs, and land-use regulations and their customary duties in utility
5 and public works construction, operation, and maintenance.

6 Sec. 55. Section 81-3450, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 81-3450 (1) An architect shall not affix his or her seal and
9 signature to technical submissions that are subject to the Engineers, and
10 Architects, and Registered Interior Designers Regulation Act unless the
11 technical submissions were:

12 (a) Prepared entirely by the architect;

13 (b) Prepared entirely under the direct supervision of the architect;

14 or

15 (c) Prepared partially by others if the architect has reviewed and
16 integrated the work into his or her own technical submissions.

17 (2) An architect may affix his or her seal to technical submissions
18 not subject to the act if the architect has reviewed or adapted in whole
19 or in part such submissions and integrated them into his or her work.

20 Sec. 56. Section 81-3451, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 81-3451 (1) The following shall be considered as the minimum
23 evidence satisfactory to the board that an applicant is eligible for
24 enrollment as an engineer-intern:

25 (a)(i) Graduation from a program accredited by the Engineering
26 Accreditation Commission of ABET;

27 (ii) Graduation from a program accredited by the Canadian
28 Engineering Accreditation Board; or

29 (iii) Meeting the Education Standard of the National Council of
30 Examiners for Engineering and Surveying as determined by the council;

31 (b) Passage of an examination in the fundamentals of engineering as

1 accepted by the Board of Engineers and Architects;

2 (c) Submittal of an application accompanied by the fee established
3 by the board; and

4 (d) Demonstration of good reputation and good ethical character by
5 attestation of references. The names and complete addresses of references
6 acceptable to the board shall be included in the application for
7 enrollment.

8 (2)(a) The following shall be considered as the minimum evidence
9 satisfactory to the board that an applicant is eligible for admission to
10 the examination on the principles and practice of engineering that is
11 adopted by the board:

12 (i)(A) Graduation from a program accredited by the Engineering
13 Accreditation Commission of ABET;

14 (B) Graduation from a program accredited by the Canadian Engineering
15 Accreditation Board; or

16 (C) Meeting the Education Standard of the National Council of
17 Examiners for Engineering and Surveying as determined by the council;

18 (ii) Passage of an examination in the fundamentals of engineering as
19 accepted by the Board of Engineers and Architects;

20 (iii) Submittal of an application accompanied by the fee established
21 by the board; and

22 (iv) Demonstration of good reputation and good ethical character by
23 attestation of references. The names and complete addresses of references
24 acceptable to the board shall be included in the application.

25 (b) A candidate who fails the principles and practice of engineering
26 examination may apply for reexamination, which may be granted upon
27 payment of a fee established by the board. In the event of a second or
28 subsequent failure, the examinee may, at the discretion of the board, be
29 required to appear before the board with evidence of having acquired the
30 necessary additional knowledge to qualify before admission to the
31 examination.

1 (3) The following shall be considered as the minimum evidence
2 satisfactory to the board that an applicant is eligible for licensure as
3 a professional engineer:

4 (a) Passage of the principles and practice of engineering
5 examination as set forth in subsection (2) of this section;

6 (b) A record of four years or more of progressive post-accredited-
7 degree experience on engineering projects of a grade and character which
8 indicates to the board that the applicant may be competent to practice
9 engineering;

10 (c) Demonstration of good reputation and good ethical character by
11 attestation of references. The names and complete addresses of references
12 acceptable to the board shall be included in the application for
13 licensure; and

14 (d) Successful passage of an examination on the statutes, rules, and
15 other requirements unique to this state.

16 (4) An individual holding a license to practice engineering issued
17 by a proper authority of any jurisdiction, based on credentials that do
18 not conflict with subsections (2) and (3) of this section and other
19 provisions of the Engineers, and Architects, and Registered Interior
20 Designers Regulation Act, may, upon application, be licensed as a
21 professional engineer after:

22 (a) Demonstration of good reputation and good ethical character by
23 attestation of references. The names and complete addresses of references
24 acceptable to the board shall be included in the application for
25 licensure; and

26 (b) Successful passage of an examination on the statutes, rules, and
27 other requirements unique to this state.

28 (5) An individual who has been licensed to practice engineering for
29 fifteen years or more in one or more jurisdictions and who has practiced
30 engineering for fifteen years in compliance with the licensing laws in
31 the jurisdictions where his or her engineering practice has occurred

1 since initial licensure may, upon application, be licensed as a
2 professional engineer after:

3 (a) Demonstration of good reputation and good ethical character by
4 attestation of references. The names and complete addresses of references
5 acceptable to the board shall be included in the application for
6 licensure; and

7 (b) Successful passage of an examination on the statutes, rules, and
8 other requirements unique to this state.

9 (6) The board may designate a professional engineer as being
10 licensed in a specific discipline or branch of engineering signifying the
11 area in which the professional engineer has demonstrated competence.

12 (7) Upon application to the board in writing and payment of a fee
13 established by the board, an individual who holds a valid license to
14 practice engineering in another jurisdiction may be issued a temporary
15 permit, valid for a definite period of time, to provide engineering
16 services for a specific project. An individual may not be issued more
17 than one temporary permit. No right to practice engineering accrues to
18 such applicant with respect to any other work not set forth in the
19 temporary permit. Temporary permit holders are subject to all of the
20 provisions of the Engineers, and Architects, and Registered Interior
21 Designers Regulation Act governing the practice of engineering.

22 (8) None of the examination materials described in this section
23 shall be considered public records.

24 (9) The board or its agent shall direct the time and place of the
25 engineering examinations referenced in subsections (1), (2), and (3) of
26 this section.

27 (10) The board may adopt the examinations and grading procedures of
28 the National Council of Examiners for Engineering and Surveying. The
29 board may also adopt guidelines published by the council.

30 (11) Licensure shall be effective upon issuance.

31 Sec. 57. Section 81-3453, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 81-3453 The provisions of the Engineers, ~~and~~ Architects, and
3 Registered Interior Designers Regulation Act regulating the practice of
4 engineering do not apply to the following activities:

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

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

26 (3) The construction, remodeling, alteration, or renovation of farm
27 buildings, including barns, silos, sheds, or housing for farm equipment
28 and machinery, livestock, poultry, or storage and if the structures are
29 designed to be occupied by no more than twenty persons. Such exemption
30 may be increased by rule and regulation of the board adopted pursuant to
31 the Negotiated Rulemaking Act but shall not exceed the Type V, column B,

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

3 (4) Any public works project with contemplated expenditures for the
4 completed project that do not exceed one hundred thousand dollars. The
5 board shall adjust the dollar amount in this subdivision every fifth
6 year. The first such adjustment after August 27, 2011, shall be effective
7 on July 1, 2014. The adjusted amount shall be equal to the then current
8 amount adjusted by the cumulative percentage change in the Consumer Price
9 Index for All Urban Consumers published by the Federal Bureau of Labor
10 Statistics for the five-year period preceding the adjustment date. The
11 amount shall be rounded to the next highest one-thousand-dollar amount;

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

15 (6) The teaching, including research and service, of engineering
16 subjects in a college or university offering an ABET-accredited
17 engineering curriculum of four years or more;

18 (7) A public service provider or an organization who employs a
19 licensee performing professional services for itself;

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

27 (9) The work of an employee or a subordinate of a person holding a
28 certificate of licensure or a temporary permit under the Engineers, and
29 Architects, and Registered Interior Designers Regulation Act if the work
30 is done under the direct supervision of a person holding a certificate of
31 licensure or a temporary permit under the act;

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

7 (11) Financial institutions making disbursements of funds in
8 connection with construction projects;

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

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

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

27 (15) The construction of water wells as defined in section 46-1212,
28 the installation of pumps and pumping equipment into water wells, and the
29 decommissioning of water wells, unless such construction, installation,
30 or decommissioning is required by the owner thereof to be designed or
31 supervised by an engineer or unless legal requirements are imposed upon

1 the owner of a water well as a part of a public water supply;

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

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

14 Sec. 58. Section 81-3454, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 81-3454 (1) A professional engineer shall not affix his or her seal
17 and signature to technical submissions that are subject to the Engineers,
18 ~~and Architects, and Registered Interior Designers~~ Regulation Act unless
19 the technical submissions were:

20 (a) Prepared entirely by the professional engineer;

21 (b) Prepared entirely under the direct supervision of the
22 professional engineer; or

23 (c) Prepared partially by others if the professional engineer has
24 reviewed and integrated the work into his or her own technical
25 submissions.

26 (2) A professional engineer may affix his or her seal to technical
27 submissions not subject to the act if the professional engineer has
28 reviewed or adapted in whole or in part such submissions and integrated
29 them into his or her work.

30 Sec. 59. (1) The interior design registry is created.

31 (a) The board shall list each interior designer registration in the

1 registry. A listing in the registry shall be valid for the term of the
2 registration and upon renewal unless such listing is refused renewal or
3 is removed as provided in the Engineers, Architects, and Registered
4 Interior Designers Regulation Act.

5 (b) The registry shall contain (i) the individual's full name and
6 (ii) any other information as the board may require by rules and
7 regulation.

8 (2) The following shall be considered as the minimum evidence
9 satisfactory to the board that an applicant is eligible for listing on
10 the interior design registry:

11 (a) Education eligibility as outlined by the Council for Interior
12 Design Qualification to sit for an examination on technical and
13 professional subjects of interior design as required by the Council for
14 Interior Design Qualification;

15 (b) Experience eligibility as outlined by the Council for Interior
16 Design Qualification to sit for an examination on technical and
17 professional subjects of interior design as required by the Council for
18 Interior Design Qualification;

19 (c) Successful passage of an examination on technical and
20 professional subjects of interior design as required by the Council for
21 Interior Design Qualification;

22 (d) Passage of an examination on the statutes, rules and
23 regulations, and other requirements unique to this state; and

24 (e) Demonstration of good reputation and good ethical character by
25 attestation of references. The names and complete addresses of references
26 acceptable to the board shall be included in the application for
27 registration.

28 (3) An individual holding a credential to practice interior design
29 issued by a proper authority of any jurisdiction, based on credentials
30 that do not conflict with subsection (2) of this section and other
31 provisions of the Engineers, Architects, and Registered Interior

1 Designers Regulation Act, may, upon application, be listed on the
2 interior design registry after:

3 (a) Successful passage of an examination on the statutes, rules and
4 regulations, and other requirements unique to this state; and

5 (b) Demonstration of good reputation and good ethical character by
6 attestation of references. The names and complete addresses of references
7 acceptable to the board shall be included in the application for
8 registration.

9 (4) An individual who holds a current and valid certification issued
10 by the Council for Interior Design Qualification and who submits
11 satisfactory evidence of such certification to the board may, upon
12 application, be listed on the interior design registry after:

13 (a) Successful passage of an examination on the statutes, rules and
14 regulations, and other requirements unique to this state; and

15 (b) Demonstration of good reputation and good ethical character by
16 attestation of references. The names and complete addresses of references
17 acceptable to the board shall be included in the application for
18 registration.

19 (5) An individual who has been credentialed to practice interior
20 design for fifteen years or more in one or more jurisdictions and who has
21 practiced interior design for fifteen years in compliance with the
22 credentialing laws in the jurisdictions where such individual interior
23 design practice has occurred since initial issuance of the credential
24 may, upon application, be listed on the interior design registry after:

25 (a) Successful passage of an examination on the statutes, rules and
26 regulations, and other requirements unique to this state; and

27 (b) Demonstration of good reputation and good ethical character by
28 attestation of references. The names and complete addresses of references
29 acceptable to the board shall be included in the application for
30 registration.

31 (6) None of the examination materials described in this section

1 shall be considered public records.

2 (7) The board or its agent shall direct the time and place of the
3 interior design examinations referenced in this section.

4 (8) The board may adopt the examinations and grading procedures of
5 the Council for Interior Design Qualification. The board may also adopt
6 guidelines published by the council.

7 (9) Registration shall be effective upon issuance.

8 Sec. 60. (1) A registered interior designer shall not affix such
9 registered interior designer's seal and signature to technical
10 submissions that are subject to the Engineers, Architects, and Registered
11 Interior Designers Regulation Act unless the technical submissions were:

12 (a) Prepared entirely by the registered interior designer;

13 (b) Prepared entirely under the direct supervision of the registered
14 interior designer; or

15 (c) Prepared partially by others if the registered interior designer
16 has reviewed and integrated the work into such registered interior
17 designer's own technical submissions.

18 (2) A registered interior designer may affix such registered
19 interior designer's seal to technical submissions not subject to the act
20 if the registered interior designer has reviewed or adapted in whole or
21 in part such submissions and integrated them into such registered
22 interior designer's work.

23 Sec. 61. (1) Nothing in the Engineers, Architects, and Registered
24 Interior Designers Regulation Act shall be construed to: (a) Require a
25 person to be a registered interior designer in order to engage in an
26 activity traditionally performed by an interior designer or interior
27 decorator, including any professional service limited to the planning,
28 design, and implementation of kitchen and bathroom spaces or the
29 specification of products for kitchen and bathroom areas; or (b) prevent
30 or restrict the practice, service, or activity of any person licensed to
31 practice a profession or an occupation in this state from engaging in

1 such profession or occupation.

2 (2) A licensed architect holding a license in good standing under
3 the Engineers, Architects, and Registered Interior Designers Regulation
4 Act may register with the board as a registered interior designer without
5 having to meet the registration requirements outlined in section 59 of
6 this act.

7 Sec. 62. Section 81-3455, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 81-3455 The Legislature declares that the Engineers, ~~and~~ Architects,
10 and Registered Interior Designers Regulation Act is necessary for the
11 public convenience and welfare, is remedial in nature, and shall be
12 construed liberally. Nothing in the act shall be construed to establish a
13 statewide building code.

14 Sec. 63. Original sections 2-3256, 13-2039, 13-2903, 13-2907,
15 33-151, 39-1311.02, 46-1616, 61-201, 81-3405, 81-3426, 81-3440, and
16 81-3455, Reissue Revised Statutes of Nebraska, and sections 23-1901,
17 37-1719, 37-1723, 39-2814, 54-2429, 76-3505, 81-8,126, 81-8,198.01,
18 81-1609, 81-3401, 81-3402, 81-3403, 81-3408, 81-3409, 81-3411, 81-3420,
19 81-3421, 81-3422.01, 81-3428, 81-3429, 81-3430, 81-3432, 81-3432.01,
20 81-3433, 81-3434, 81-3435, 81-3436, 81-3436.01, 81-3437, 81-3437.01,
21 81-3437.02, 81-3438, 81-3441, 81-3442, 81-3443, 81-3444, 81-3446,
22 81-3448, 81-3449, 81-3450, 81-3451, 81-3453, and 81-3454, Revised
23 Statutes Cumulative Supplement, 2020, are repealed.