

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 45**

Introduced by Fulton, 29.

Read first time January 06, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Engineers and Architects Regulation Act;  
2 to amend sections 81-3403, 81-3429, 81-3441, 81-3442,  
3 81-3443, 81-3444, 81-3445, 81-3446, 81-3449, 81-3451,  
4 81-3452, and 81-3453, Reissue Revised Statutes of  
5 Nebraska, and section 81-3401, Revised Statutes  
6 Cumulative Supplement, 2010; to change provisions  
7 relating to members of the Board of Engineers and  
8 Architects, enforcement procedures, disciplinary actions,  
9 exempted activities, licenses, and engineering  
10 examinations; to redefine terms; to harmonize provisions;  
11 and to repeal the original sections.  
12 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 81-3401, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           81-3401 Sections 81-3401 to 81-3455 and sections 3 and 4  
4 of this act shall be known and may be cited as the Engineers and  
5 Architects Regulation Act.

6           Sec. 2. Section 81-3403, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           81-3403 For purposes of the Engineers and Architects  
9 Regulation Act, the definitions found in sections 81-3404 to 81-3427  
10 and sections 3 and 4 of this act shall be used.

11           Sec. 3. Building official means the person appointed by  
12 the state or political subdivision having jurisdiction over the  
13 project to have principal responsibility for the safety of the  
14 project as completed.

15           Sec. 4. Project means the construction, enlargement, or  
16 alteration of works involving the practice of architecture or  
17 engineering other than those exempted by sections 81-3449 and  
18 81-3453.

19           Sec. 5. Section 81-3429, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           81-3429 Each member of the board shall be a citizen of  
22 the United States and a resident of the State of Nebraska for at  
23 least one year immediately preceding appointment. Each professional  
24 member shall have been engaged in the active practice of the design  
25 profession for at least ten years, shall have had responsible charge

1 of work for at least five years at the time of his or her  
2 appointment, and shall be licensed in the appropriate profession.  
3 Each member of the board shall receive as compensation not more than  
4 sixty dollars per day for each day or substantial portion of a day  
5 actually spent in traveling to and from and while attending sessions  
6 of the board and its committees, ~~or~~ authorized meetings of the  
7 National Council of Architectural Registration Boards, the National  
8 Council of Examiners for Engineering and Surveying, or their  
9 subdivisions or committees, or other business as authorized by the  
10 board and all necessary expenses incident to the performance of his  
11 or her duties under the Engineers and Architects Regulation Act as  
12 provided in sections 81-1174 to 81-1177.

13           Sec. 6. Section 81-3441, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           81-3441 Except as provided in sections 81-3413 to 81-3415  
16 and ~~81-3448 to 81-3449 and~~ 81-3453, an individual shall not directly  
17 or indirectly engage in the practice of architecture or engineering  
18 in the state or use the title architect or professional engineer or  
19 display or use any words, letters, figures, titles, sign, card,  
20 advertisement, or other symbol or device indicating or tending to  
21 indicate that he or she is an architect or professional engineer or  
22 is practicing architecture or engineering unless he or she is  
23 licensed under the Engineers and Architects Regulation Act. A  
24 licensee shall not aid or abet any person not licensed under the act  
25 in the practice of architecture or engineering.

1                   Sec. 7. Section 81-3442, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   81-3442 Any person who performs any of the following  
4 actions is guilty of a Class I misdemeanor for the first offense and  
5 a Class IV felony for the second or any subsequent offense:

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

10                   (2) Knowingly and intentionally employs or retains a  
11 person to practice architecture or engineering in this state who is  
12 not licensed in accordance with the act except as provided in  
13 sections 81-3413 to 81-3415 and who is not exempted by sections  
14 ~~81-3448 to 81-3449~~ and 81-3453;

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

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

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

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

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

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

6                   (9) Violates the act.

7                   Sec. 8. Section 81-3443, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9                   81-3443 ~~Charges~~—A complaint against any person or  
10 organization involving any matter coming within the jurisdiction of  
11 the board shall be in writing and shall be filed with the board. The  
12 ~~charges, complaint,~~ at the discretion of the board, shall be heard  
13 within a reasonable time in accordance with the rules and regulations  
14 and may be heard through the use of a hearing officer. The accused  
15 shall have the right to appear personally with or without counsel, to  
16 cross-examine adverse witnesses, and to produce evidence and  
17 witnesses in his, her, or its ~~or her~~ defense. The board shall set the  
18 time and place for the hearing and shall cause a copy of the ~~charges,~~  
19 complaint, together with a notice of the time and place fixed for the  
20 hearing, to be sent by registered mail to the accused, at his, her,  
21 or its ~~or her~~ last-known business or residence address known to the  
22 board, at least thirty days before the hearing. If after the hearing  
23 the board finds the accused has violated the Engineers and Architects  
24 Regulation Act or any rules or regulations, it may issue any order or  
25 take any action described in section 81-3444. If the board finds no

1 violation, it shall enter an order dismissing the ~~charges.~~ complaint.  
2 If the order revokes, suspends, or cancels a license, the board shall  
3 notify, in writing, the Secretary of State and the clerk of the city  
4 or village in the state where the person or organization has a place  
5 of business, if any. The board may reissue a license ~~to any person~~  
6 ~~whose license~~ that has been revoked. Application for the reissuance  
7 of a license shall be made in such a manner as the board directs and  
8 shall be accompanied by a fee established by the board.

9           Sec. 9. Section 81-3444, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           81-3444 (1) The board may after hearing, by majority  
12 vote, take any or all of the following actions, upon proof  
13 satisfactory to the board that any person or organization has  
14 violated the Engineers and Architects Regulation Act or any rules or  
15 regulations. ~~The~~ Upon a finding that a person or organization has  
16 committed a violation, the following actions may be taken against a  
17 ~~holder of a license~~ such person or organization upon a two-thirds  
18 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  
23 holder of a license and upon the right of the holder of a license to  
24 practice the profession to such extent, scope, or type of practice  
25 for such time and under such conditions as are found necessary and

1 proper;

2 (e) Imposition of a civil penalty not to exceed ten  
3 thousand dollars for each offense. The amount of the penalty shall be  
4 based on the severity of the violation;

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

7 (g) Issuance of a cease and desist order;

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

12 (i) Dismissal of the action.

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

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

22 Sec. 10. Section 81-3445, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 81-3445 Except as otherwise provided in this section and  
25 sections 81-3449 ~~to~~ and 81-3453, the state and its political

1 subdivisions shall not engage in the construction of any public works  
2 involving architecture or engineering unless the plans,  
3 specifications, and estimates have been prepared and the construction  
4 has been observed by an architect, a professional engineer, or a  
5 person under the direct supervision of an architect, professional  
6 engineer, or those under the direct supervision of an architect or  
7 professional engineer. This section shall not apply to any public  
8 work in which the contemplated expenditure for the complete project  
9 does not exceed eighty-six thousand dollars. The board shall adjust  
10 the dollar amount in this section every fifth year commencing July 1,  
11 2009. The adjusted amount shall be equal to the then current amount  
12 adjusted by the cumulative percentage change in the Consumer Price  
13 Index for All Urban Consumers published by the Federal Bureau of  
14 Labor Statistics for the five-year period preceding the adjustment  
15 date. The amount shall be rounded to the next highest one-thousand-  
16 dollar amount.

17           Sec. 11. Section 81-3446, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           81-3446 (1) The owner of any real property who allows a  
20 project to be constructed on his or her real property is engaged in  
21 the practice of architecture or engineering unless he or she employs  
22 or causes others to employ licensed professionals or persons under  
23 the direct supervision of licensed professionals to furnish at least  
24 minimum construction phase services with respect to the project or is  
25 exempt from the Engineers and Architects Regulation Act under



1 sections 81-3449 and 81-3453.

2 (2) For purposes of this section:

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

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

19 ~~(c)-(b)~~ Owner means with respect to any real property the  
20 following persons: (i) The record owner of such real property; (ii)  
21 the lessee of all or any portion of the real property when the lease  
22 covers all of that portion of the real property upon which the  
23 project is being constructed, the lessee has significant approval  
24 rights with respect to the project, and the lease, at the time the  
25 project begins, has a remaining term of not less than ten years; or

1 (iii) the grantee of an easement granting right-of-way to construct  
2 the project. ; and

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

6 Sec. 12. Section 81-3449, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 81-3449 The provisions of the Engineers and Architects  
9 Regulation Act regulating the practice of architecture do not apply  
10 to the following activities:

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

21 (2) The construction, remodeling, alteration, or  
22 renovation of a one-story commercial or industrial building or  
23 structure of less than five thousand square feet of above grade  
24 finished space which does not exceed thirty feet in height unless  
25 such building or structure, or the remodeling or repairing thereof,

1 provides for the employment, housing, or assembly of twenty or more  
2 persons. Any detached or attached sheds, storage buildings, and  
3 garages incidental to the building or structure are not included in  
4 the tabulation of finished space. Such ~~exemptions~~exemption may be  
5 increased by rule and regulation of the board adopted pursuant to the  
6 Negotiated Rulemaking Act but shall not exceed the Type V, column B,  
7 limitations set forth by the allowable height and building areas  
8 table in the state building code adopted in section 71-6403;

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

18 (4) Any public works project with contemplated  
19 expenditures for a completed project that do not exceed ~~eighty-six~~  
20 one hundred thousand dollars. The board shall adjust the dollar  
21 amount in this subdivision every fifth year. The first such  
22 adjustment after the effective date of this act shall be effective on  
23 July 1, 2014. ~~commencing July 1, 2009.~~ The adjusted amount shall be  
24 equal to the then current amount adjusted by the cumulative  
25 percentage change in the Consumer Price Index for All Urban Consumers

1 published by the Federal Bureau of Labor Statistics for the five-year  
2 period preceding the adjustment date. The amount shall be rounded to  
3 the next highest one-thousand-dollar amount;

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

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

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

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

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

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

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

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

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

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

17           (11) A nonresident who holds the certification issued by  
18 the National Council of Architectural Registration Boards from  
19 offering to render the professional services involved in the practice  
20 of architecture. The nonresident shall not perform any of the  
21 professional services involved in the practice of architecture until  
22 licensed as provided in the act. The nonresident shall notify the  
23 board in writing that (a) he or she holds a National Council of  
24 Architectural Registration Boards certificate and is not currently  
25 licensed in Nebraska but will be present in Nebraska for the purpose

1 of offering to render architectural services, (b) he or she will  
2 deliver a copy of the notice to every potential client to whom the  
3 applicant offers to render architectural services, and (c) he or she  
4 promises to apply immediately to the board for licensure if selected  
5 as the architect for the project;

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

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

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

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

1 enforcement of codes, permit programs, and land-use regulations and  
2 their customary duties in utility and public works construction,  
3 operation, and maintenance; and -

4 (16) An architect's limited practice of engineering in  
5 connection with any building, structure, or work classified as a  
6 business, except an outpatient-based medical facility, mercantile,  
7 storage, factory, or utility occupancy of less than six thousand  
8 square feet in building area, if the architect certifies competence  
9 to perform the work as required by the board.

10 Sec. 13. Section 81-3451, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 81-3451 (1) To be eligible for admission to examination  
13 to be a professional engineer or engineer-intern, an applicant must  
14 be of good moral character and reputation and shall submit five  
15 references with his or her application for licensure as a  
16 professional engineer or enrollment as an engineer-intern. Three of  
17 the references shall be professional engineers having personal  
18 knowledge of the applicant's engineering experience or, in the case  
19 of an application for enrollment as an engineer-intern, character  
20 references.

21 (2)(a) A person holding a certificate of licensure to  
22 engage in the practice of engineering, issued by the proper authority  
23 of a state, territory, or possession of the United States, the  
24 District of Columbia, or any foreign country, based on requirements  
25 that do not conflict with the Engineers and Architects Regulation Act

1 and were of a standard not lower than that specified in the  
2 applicable licensure law in effect in this state at the time such  
3 certificate was issued may, upon application, be licensed as a  
4 professional engineer without further examination.

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

12 (c) A graduate of an Accrediting Board for Engineering  
13 and Technology accredited engineering curriculum, enrolled as an  
14 engineer-intern, and having a specific record of an additional four  
15 years or more of progressive ~~post-baccalaureate degree~~ post-  
16 accredited-degree experience on engineering projects of a grade and a  
17 character which indicates to the Board of Engineers and Architects  
18 that the applicant may be competent to practice engineering shall be  
19 admitted to an ~~eight-hour~~ examination of at least eight hours in  
20 length, administered by the board, on the principles and practice of  
21 engineering. Upon passing the examination, the applicant shall be  
22 granted a certificate of licensure to practice engineering in this  
23 state if the applicant is otherwise qualified. Engineering teaching  
24 of advanced subjects and the design of engineering research and  
25 projects in a college or university offering an Accrediting Board for



1 Engineering and Technology accredited engineering curriculum of four  
2 years or more may be considered as engineering experience. An  
3 applicant who does not hold an Accrediting Board for Engineering and  
4 Technology accredited engineering degree but who is enrolled as an  
5 engineer-intern in this state and has a specific record of an  
6 additional six years or more of progressive experience on engineering  
7 projects of a grade and a character which indicates to the Board of  
8 Engineers and Architects that the applicant may be competent to  
9 practice engineering shall be admitted to an ~~eight-hour~~ examination  
10 of at least eight hours in length, administered by the board, in the  
11 principles and practice of engineering. Upon passing the examination,  
12 the applicant shall be granted a certificate of licensure to practice  
13 engineering in this state if otherwise qualified.

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

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

1 ~~January 1, 2005.~~

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

10 Sec. 14. Section 81-3452, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 81-3452 (1) The board or its agent shall direct the time  
13 and place of engineering examinations. The board shall determine the  
14 acceptable grade on examinations.

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

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

24 (b) The principles and practice of engineering  
25 examination consists of at least an eight-hour test period on applied

1 engineering. Passing this examination qualifies the examinee for  
2 licensure as a professional engineer if all other requirements for  
3 certification are met.

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

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

13 Sec. 15. Section 81-3453, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

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

18 (1) The construction, remodeling, alteration, or  
19 renovation of a detached single-family through four-family dwelling  
20 of less than five thousand square feet above grade finished space.  
21 Any detached or attached sheds, storage buildings, and garages  
22 incidental to the dwelling are not included in the tabulation of  
23 finished space. Such exemption may be increased by rule and  
24 regulation of the board adopted pursuant to the Negotiated Rulemaking  
25 Act but shall not exceed the Type V, column B, limitations set forth

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

3 (2) The construction, remodeling, alteration, or  
4 renovation of a one-story commercial or industrial building or  
5 structure of less than five thousand square feet above grade finished  
6 space which does not exceed thirty feet in height unless such  
7 building or structure, or the remodeling or repairing thereof,  
8 provides for the employment, housing, or assembly of twenty or more  
9 persons. Any detached or attached sheds, storage buildings, and  
10 garages incidental to the building or structure are not included in  
11 the tabulation of finished space. Such ~~exemptions~~exemption may be  
12 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  
15 table in the state building code adopted in section 71-6403;

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

25 (4) Any public works project with contemplated

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

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

14 (6) The teaching, including research and service, of  
15 engineering subjects in a college or university offering an  
16 Accrediting Board for Engineering and Technology accredited  
17 engineering curriculum of four years or more;

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

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

23 (8) The practice by a qualified member of another legally  
24 recognized profession who is otherwise licensed or certified by this  
25 state to perform services consistent with the laws of this state, the

1 training, and the code of ethics of such profession, if such  
2 qualified member does not represent himself or herself to be  
3 practicing engineering and does not represent himself or herself to  
4 be a professional engineer;

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

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

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

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

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

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

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

22                   (16) The construction of water wells as defined in  
23 section 46-1212, the installation of pumps and pumping equipment into  
24 water wells, and the decommissioning of water wells, unless such  
25 construction, installation, or decommissioning is required by the

1 owner thereof to be designed or supervised by an engineer or unless  
2 legal requirements are imposed upon the owner of a water well as a  
3 part of a public water supply;

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

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

16 (19) A professional engineer's limited practice of  
17 architecture in connection with any building, structure, or work  
18 classified as a business, except an outpatient-based medical  
19 facility, mercantile, storage, factory, or utility occupancy of less  
20 than six thousand square feet in building area, if the professional  
21 engineer demonstrates competence to perform the work as required by  
22 the board.

23 Sec. 16. Original sections 81-3403, 81-3429, 81-3441,  
24 81-3442, 81-3443, 81-3444, 81-3445, 81-3446, 81-3449, 81-3451,  
25 81-3452, and 81-3453, Reissue Revised Statutes of Nebraska, and



1 section 81-3401, Revised Statutes Cumulative Supplement, 2010, are  
2 repealed.