

## **COMMITTEE REPORT**

TO: Patrick O'Donnell  
Clerk of the Legislature

FROM: Senator Sara Howard  
Chair, Health and Human Services Committee

DATE: 11.13.2020

RE: Health and Human Services Committee Report and Recommendations on  
Regulated Occupations within Committee Jurisdiction – Engineers and  
Architects

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### **GENERAL INFORMATION**

- I. Occupation Regulated
  - A) Engineers and Architects
  
- II. Name of Occupational Board Responsible for Enforcement
  - A) The Board of Engineers and Architects
  
- III. Public Purpose and Assumptions Underlying License Creation
  - A) The practices of architecture and engineering greatly impact the health, safety, and welfare of the citizens of Nebraska. These professions oversee the physical integrity of public buildings and structures. Errors in designing a bridge, building, or large structure can have disastrous consequences in case of an emergency or failure. Therefore, licensure and regulation of the occupations is in the public interest.
  
- IV. Number of Regulated Professionals in Nebraska
  - A) There are 10,291 Engineers and Architects licensed in Nebraska. That number includes 1,932 Architects and 8,359 Professional Engineers. There are 74 licensed Agricultural Engineers, three Agricultural and Biological Engineers, 84 Architectural Engineers, 80 Chemical Engineers, 4,438 Civil Engineers, 36 Control Systems Engineers, 1,327 Electrical Engineers, 503 Electrical and Computer Engineers, 164 Environmental Engineers, 78 Fire Protection Engineers, 29 Industrial Engineers, 1,421 Mechanical Engineers, 12 Metallurgical Engineers, 13 Mining and Minerals Engineers, six Nuclear Engineers, six Petroleum Engineers, two Sanitary Engineers, one Software Engineer, and 765 Structural Engineers. Please note, Engineers may have more than one license discipline.

## **BOARD MEMBERSHIPS AND MEETINGS**

- I. Number of Members
  - A) There are eight members of the Board of Engineers and Architects
  
- II. Who Appoints Members of the Board / Is Legislative Approval Required?
  - A) The Governor appoints the members of the Board. Legislative approval is not required.
  
- III. Term Length
  - A) The length of term for service on the Board of Engineers and Architects is five years, on a rotating basis.
  
- IV. Qualifications for Membership of the Board
  - A) The Board of Engineers and Architects is made up of eight members: three architect members, two of whom shall be appointed after consulting with the appropriate architectural professional organizations, and one education member who is a faculty member of the University of Nebraska appointed upon the recommendation of the Dean of Architecture of the University of Nebraska; four professional engineer members, three of whom shall be appointed after consulting with the appropriate engineering professional organizations, and one education member who is a faculty member of the University of Nebraska appointed upon the recommendation of the Dean of Engineering of the University of Nebraska; and one public member. Each member of the board shall be a citizen of the United States and a resident of the State of Nebraska for at least one year immediately preceding appointment. Each architect or professional engineer member shall have been engaged in the active practice of the design profession for at least ten years, shall have had direct supervision of work for at least five years at the time of his or her appointment, and shall be licensed in the relevant profession.
  
- V. The Number of Meetings Required Per Year / Meetings Actually Held
  - A) For fiscal year (FY) 2014-2015: Meetings Required – 1; Meetings Held – 11.
  - B) For FY 2015-2016: Meetings Required – 1; Meetings Held – 15.
  - C) For FY 2016-2017: Meetings Required – 1; Meetings Held – 12
  - D) For FY 2017-2018: Meetings Required – 1; Meetings Held – 12.
  - E) For FY 2018-2019: Meetings Required – 1; Meetings Held – 11.

VI. Annual Budget Information for the Previous Five Years

- A) Funding for the Engineering and Architect occupations come from the Engineers and Architects Regulation Fund.
- B) For FY 2014-2015: \$700,036
- C) For FY 2015-2016: \$772,667
- D) For FY 2016-2017: \$750,869
- E) For FY 2017-2018: \$832,171
- F) For FY 2018-2019: \$837,430

VII. Statement from Occupational Board on Effectiveness of Regulations

- A) The Chair of the Board of Architects and Engineers stated “The Board’s position is that the occupational regulations it oversees, Neb. Admin. Code, Title 110 is effective. The regulations include provisions on initial licensure for architects and professional engineers, comity licensure, temporary permits, code of ethical practice for licensees, use of the licensee seal, organizational practice requirements, enforcement procedures, continuing education, and clarifications to the Engineers and Architects Regulation Act.

“The Board is committed to keeping its regulations up to date and concise through regular reviews. Because of national trends in licensure standards and processes for engineers and architects, the Board continually keeps its rules modernized and up-to-date in several ways.

“The Nebraska Board is a member of both the National Council of Architectural Registration Boards (NCARB) and the National Council of Examiners for Engineering and Surveying (NCEES). Board members and staff attend meetings of these organizations to discuss common issues and policies that may affect licensure. These organizations also develop and publish national model laws that state governments can use as a high-level but sound and realistic benchmark that provides greater uniformity of qualifications for licensure. In addition, using their national examinations and model law also simplifies interstate licensure and mobility of architects and professional engineers. This is demonstrated by the fact that, based on our response to the question regarding number of regulated professionals in Nebraska, nearly two-thirds of our active licensees have an address of record outside Nebraska.

“We have also simplified the licensing process described in the regulations for individuals who maintain a record of their qualifications through NCARB or NCEES. For those individuals who meet the requirements, Board staff can process their license application and issue

the license in a matter of days once all application materials have been received.

“When it begins the rulemaking process, the Board communicates with over 20 primary stakeholder groups for feedback and suggestions as standard practice. The Board is committed to keeping these organizations—who have previously expressed an interest in the E&A Regulation Act—informed in order to ensure the Board’s regulations are effectively implemented and not burdensome.

“It is also the Board’s goal to publish notification of the public hearing on rules promulgation well in advance of the actual hearing(s). Finally, the Board is a leader in using the process outlined in the Negotiated Rulemaking Act (N.R.S. § 84-921 to 84-932) in the past for proposed rule changes.”

## **AUTHORIZATION**

- I. Statutory Authorization
  - A) Statutory authorization for the Engineer and Architect occupations may be found in the Nebraska Revised Statutes, sections [81-3401](#) to [81-3455](#), and may be cited as the Engineers and Architects Regulation Act. For text of the Nebraska statutes relating to the Engineer and Architect occupations, see Appendix A.
- II. Other Authorization
  - A) Rules and regulations regarding the Engineer and Architect occupations may be found in the Nebraska Administrative Code [Title 110](#).

## **CREDENTIALING**

- I. Number of Licenses, Certifications, or Registrations Issued In Past Five Years
  - A) There were 3,190 Engineer and Architect licenses issued in the past five years, including 2,564 Professional Engineer licenses and 626 Architect licenses.
- II. Number of Licenses, Certifications, or Registrations Denied in Past Five Years
  - A) There were two Professional Engineer licenses denied in the past five years.
  - B) One was denied for not meeting licensure requirements, and one was denied for failure to disclose disciplinary action by other state engineering boards.

- III. Number of Licenses, Certifications, or Registrations Revoked in Past Five Years
- A) There were two licenses revoked in the past five years.
  - B) One license was revoked due to incompetence, and one license was revoked because the state in which the license's comity was based took action to revoke that person's license in that state.
- IV. Number of Licenses, Certifications, or Registrations Penalized in Past Five Years
- A) There were five licenses penalized in the past five years, including the two licenses which were revoked.
  - B) The Board assessed civil penalties against three licenses.
- V. Comparison of How Other States Regulate This Occupation
- A) All 50 states and 5 U.S. territories regulate the professions of engineering and architecture through professional licensing.
- VI. What Is The Potential Harm if This Occupation Is No Longer Licensed, Certified, or Regulated?
- A) If Professional Engineers and Architects were no longer licensed, certified, or regulated, the public health, safety, and welfare would suffer tremendously. Engineers and Architects are involved with supplying safe drinking water, designing roads and bridges, designing safe buildings, developing building codes, improving air quality, and treating wastewater, among other things. Licensing and regulations ensure Engineers and Architects have the appropriate training and experience or oversight to safely design the buildings, roadways, and utilities that Nebraskans use on a daily basis. To no longer license, certify, or regulate Engineers and Architects would put the public health, safety, and welfare at great risk.

**COMMITTEE RECOMMENDATION ON CONTINUATION, MODIFICATION, OR TERMINATION OF OCCUPATIONAL REGULATIONS**

Regulated occupations under the purview of the Health and Human Services Committee are unique in that through the Nebraska Regulation of Health Professions Act (Neb. Rev. Stat. Sections 71-6201 to 71-6229), health professions which are not licensed or regulated, or health professions that wish to change their scope of practice, go through a three-stage credentialing process.

Credentialing review is a three-stage process conducted by the following review bodies in the following order:

- 1) The review of an ad hoc technical review committee appointed by the Director of the Division of Public Health;
- 2) The review of the State Board of Health;
- 3) The review of the Director of the Division of Public Health.

The three review bodies each create their own independent report on each proposal. All reports created by the review process are available to members of the Health and Human Services Committee to assist them during their review of any bills that might arise from credentialing review proposals. These reports include recommendations regarding the level of licensure of the health profession. These reports are advisory to the Legislature, and only the action of the Legislature may create changes in the regulatory status of a profession. These reports represent expert input into possible public health and safety aspects of credentialing review proposals, and the nine-month process is overseen by those with experience in the provision of health-related or medical services.

The licenses, certifications, and registrations overseen by the Board of Engineers and Architects are intended to protect the health, safety, and welfare of Nebraskans. The current regulation of the Engineer and Architect occupations by licensure is appropriate and balanced and does not need modification at this time.

## **APPENDIX A**

## **STATUTES PERTAINING TO ENGINEERS AND ARCHITECTS REGULATION ACT**

### **81-3401. Act, how cited.**

Sections 81-3401 to 81-3455 shall be known and may be cited as the Engineers and Architects Regulation Act.

Source: Laws 1997, LB 622, § 1; Laws 2009, LB446, § 1; Laws 2011, LB45, § 2; Laws 2015, LB23, § 1.

### **81-3402. Architecture and engineering; regulation.**

In order to safeguard life, health, and property and to promote the public welfare, the professions of architecture and engineering are declared to be subject to regulation in the public interest. The practice of architecture and engineering and use of the titles architect or professional engineer is a privilege granted by the state through the board based on the qualifications of the individual as evidenced by a certificate of licensure which is not transferable.

Source: Laws 1997, LB 622, § 2; Laws 2015, LB23, § 2.

### **81-3403. Definitions, where found.**

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

Source: Laws 1997, LB 622, § 3; Laws 2011, LB45, § 3; Laws 2015, LB23, § 3.

### **81-3404. Architect, defined.**

Architect means a person who is licensed by the board to practice architecture.

Source: Laws 1997, LB 622, § 4; Laws 2015, LB23, § 4.

### **81-3405. Board, defined.**

Board means the Board of Engineers and Architects.

Source: Laws 1997, LB 622, § 5.

### **81-3405.01. Building official, defined.**

Building official means a person appointed by the state or a political subdivision having responsibility for the public safety and welfare and the enforcement of building codes with regard to buildings and other structures within such person's jurisdiction.

Source: Laws 2011, LB45, § 4; Laws 2015, LB23, § 6.

### **81-3405.02. Building, defined.**

Building means any structure used, or intended to be used, to support, shelter, or enclose any use or occupancy.



Source: Laws 2015, LB23, § 5.

**81-3407. Continuing education, defined.**

Continuing education means lifelong learning and training relevant to a licensee's professional practice.

Source: Laws 1997, LB 622, § 7; Laws 2015, LB23, § 7.

**81-3408. Coordinating professional, defined.**

Coordinating professional means a licensee who coordinates, as appropriate, the work of all licensees involved in a project.

Source: Laws 1997, LB 622, § 8; Laws 2015, LB23, § 8.

**81-3409. Design, defined.**

Design means the preparation of schematics, layouts, plans, drawings, specifications, calculations, and other diagnostic documents which show the features of an architectural or engineering project.

Source: Laws 1997, LB 622, § 9; Laws 2015, LB23, § 9.

**81-3411. Direct supervision, defined.**

Direct supervision means having full professional knowledge and control over work that constitutes the practice of architecture or engineering.

Source: Laws 1997, LB 622, § 11; Laws 2015, LB23, § 10.

**81-3412. Emeritus, defined.**

Emeritus means an architect or professional engineer who has relinquished his or her license and who is approved by the board to use the honorary title emeritus.

Source: Laws 1997, LB 622, § 12; Laws 2015, LB23, § 11.

**81-3414. Engineer-intern, defined.**

Engineer-intern means a person who has been duly enrolled as an engineer-intern by the board.

Source: Laws 1997, LB 622, § 14; Laws 2015, LB23, § 12.

**81-3415. Estimator, technician, or other similar titles, defined.**

Estimator, technician, or other similar titles means a person who through training or experience is performing tasks associated with the practice of architecture or engineering under the supervision of an architect or professional engineer, respectively.

Source: Laws 1997, LB 622, § 15; Laws 2015, LB23, § 13.

**81-3416. Good ethical character, defined.**

Good ethical character means such character as will enable a person to discharge the fiduciary duties of an architect or professional engineer to his or her client and to the public for the protection of the public health, safety, and welfare.

Source: Laws 1997, LB 622, § 16; Laws 2015, LB23, § 14.

**81-3416.01. Intern architect, defined.**

Intern architect means a person who has enrolled in the Intern Development Program of the National Council of Architectural Registration Boards and holds a degree from a program accredited by the National Architectural Accrediting Board or equivalent.

Source: Laws 2015, LB23, § 15.

**81-3416.02. Licensee, defined.**

Licensee means a licensed architect or professional engineer.

Source: Laws 2015, LB23, § 16.

**81-3418. Organization, defined.**

Organization means a business entity created by law, including, but not limited to, a partnership, limited liability company, corporation, or joint venture.

Source: Laws 1997, LB 622, § 18; Laws 2015, LB23, § 17.

**81-3420. Practice of architecture, defined.**

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

(2) A person shall be construed to practice architecture, within the meaning and intent of the Engineers and Architects Regulation Act, if he or she:

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

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

(c) Through the use of some other title, implies that he or she is an architect or licensed under the Engineers and Architects Regulation Act.

Source: Laws 1997, LB 622, § 20; Laws 2015, LB23, § 18.

**81-3421. Practice of engineering, defined.**

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

(2) A person shall be construed to practice engineering, within the meaning and intent of the Engineers and Architects Regulation Act, if he or she:

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

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

(c) Through the use of some other title, implies that he or she is a professional engineer or licensed under the Engineers and Architects Regulation Act.

Source: Laws 1997, LB 622, § 21; Laws 2015, LB23, § 19.

**81-3422. Professional engineer, defined.**

Professional engineer means a person who is licensed by the board to practice engineering. The board may designate a professional engineer, on the basis of education, experience, and examination, as being licensed in a specific discipline of engineering signifying an area in which the professional engineer has demonstrated competence.

Source: Laws 1997, LB 622, § 22; Laws 2015, LB23, § 20.

**81-3422.01. Project, defined.**

Project means one or more related activities that require the practice of architecture or engineering for completion.

Source: Laws 2011, LB45, § 5; Laws 2015, LB23, § 21.

**81-3423. Public service provider, defined.**

Public service provider means any political subdivision which employs or appoints an architect or a professional engineer to be in responsible charge of the political subdivision's architectural or engineering work.

Source: Laws 1997, LB 622, § 23; Laws 2015, LB23, § 22.

**81-3425. Responsible charge, defined.**

Responsible charge means the management of the technical and financial aspects of engineering or architectural work through an organization.

Source: Laws 1997, LB 622, § 25; Laws 2015, LB23, § 23.

**81-3426. Rules and regulations, defined.**

Rules and regulations means rules and regulations adopted and promulgated under the Engineers and Architects Regulation Act by the board.

Source: Laws 1997, LB 622, § 26.

**81-3427. Technical submissions, defined.**

Technical submissions means designs, drawings, specifications, studies, and other technical reports that constitute, or may be prepared in conjunction with, a project.

Source: Laws 1997, LB 622, § 27; Laws 2015, LB23, § 24.

**81-3428. Board of Engineers and Architects; created; members; terms; location.**

(1) The Board of Engineers and Architects is created to administer the Engineers and Architects Regulation Act. The board shall consist of eight members appointed by the Governor for terms of five years terminating on the last day of February. The board shall consist of:

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

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

(c) One public member.

(2) Each member shall hold office after the expiration of his or her term until his or her successor is duly appointed and qualified. Vacancies in the membership of the board, however created, shall be filled for the unexpired term by appointment by the Governor. The Governor shall reappoint or replace existing members as their terms expire, and the public member shall be reappointed or replaced in the fifth year of his or her term. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

(3) Each member of the board shall be a citizen of the United States and a resident of the State of Nebraska for at least one year immediately preceding appointment. Each architect or professional engineer member shall have been engaged in the active practice of the design profession for at least ten years, shall have had direct supervision of work for at least five years at the time of his or her appointment, and shall be licensed in the relevant profession.

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

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

Source: Laws 1997, LB 622, § 28; Laws 2015, LB23, § 25.

**81-3429. Board; members; per diem; expenses.**

Each member of the board shall receive as compensation not more than one hundred dollars per day for each day or substantial portion of a day spent traveling to and from and attending sessions of the board and its committees, authorized meetings of the National Council of Architectural Registration Boards, the National Council of Examiners for Engineering and Surveying, or their subdivisions or committees, or other business as authorized by the board. Each member of the board shall be reimbursed for all necessary and authorized expenses incident to the performance of his or her duties under the Engineers and Architects Regulation Act as provided in sections 81-1174 to 81-1177.

Source: Laws 1997, LB 622, § 29; Laws 2011, LB45, § 6; Laws 2015, LB23, § 26.

**81-3430. Certificate of appointment; oath; Attorney General; legal advisor; seal; rules and regulations.**

Each member of the board shall receive a certificate of appointment from the Governor and, before beginning his or her term of office, shall file with the Secretary of State the constitutional oath of office. The board or any committee of the board is entitled to the services of the Attorney General in connection with the affairs of the board, and the board may compel the attendance of witnesses, administer oaths, and take testimony and proofs concerning all matters within its jurisdiction. The Attorney General shall act as legal advisor to the board and render such legal assistance as may be necessary in carrying out the Engineers and Architects Regulation Act. The board shall adopt and have an official seal, which shall be affixed to all certificates of licensure granted, and shall adopt and promulgate rules and regulations to carry out the act.

Source: Laws 1997, LB 622, § 30; Laws 2015, LB23, § 27.

**81-3431. Board; meetings; officers; quorum.**

The board shall hold at least one regular meeting each year. Special meetings shall be held as the rules and regulations provide and at such places as the board elects. Notice of all meetings shall be given in such manner as the rules and regulations provide. The board shall elect from its members, annually at its first meeting after March 1, a chairperson, vice-chairperson, and secretary. A quorum of the board shall consist of not less than five members.

Source: Laws 1997, LB 622, § 31.

**81-3432. Engineers and Architects Regulation Fund; created; use; investment.**

The Engineers and Architects Regulation Fund is created. The secretary of the board shall receive and account for all money derived from the operation of the Engineers and Architects Regulation Act and shall remit the money to the State Treasurer for credit to the Engineers and Architects Regulation Fund. All expenses certified by the board as properly and necessarily incurred in the discharge of duties, including compensation and administrative staff, and any expense incident to the administration of the act relating to other states shall be paid out of the fund. Debt repayments payable pursuant to section 81-3432.01 shall be paid out of the fund. Warrants for the payment of expenses shall be issued by the Director of Administrative Services and paid by the State Treasurer upon presentation of vouchers regularly drawn by the chairperson and secretary of the board and approved by the board. At no time shall the total amount of warrants exceed the total amount of the fees collected under the act and to the credit of the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Money in the Engineers and Architects Regulation Fund may be transferred to the General Fund at the direction of the Legislature.

The State Treasurer shall transfer three hundred thousand dollars from the Engineers and Architects Regulation Fund to the General Fund on or before June 15, 2018, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

Source: Laws 1997, LB 622, § 32; Laws 2009, LB446, § 2; Laws 2009, First Spec. Sess., LB3, § 86; Laws 2015, LB23, § 28; Laws 2017, LB331, § 54.

**81-3432.01. Repayment of qualified educational debt; authorized; eligibility.**

(1) The board may repay qualified educational debt owed by an eligible graduate. Such repayment shall be made from the Engineers and Architects Regulation Fund. To be eligible for debt repayment, a recipient shall be a graduate of (a) a National Architectural Accrediting Board-accredited architecture program in Nebraska or (b) an ABET-accredited engineering program in Nebraska and shall have obtained qualified educational debt.

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

(3) The board may adopt and promulgate rules and regulations governing any debt repayment under this section.

Source: Laws 2009, LB446, § 3; Laws 2015, LB23, § 29.

### **81-3433. Roster.**

The board shall maintain and make available to the public a complete roster of all architects and professional engineers showing their names and last-known addresses. The board shall file the roster with the Secretary of State and may distribute a copy to each licensed person as well as county and municipal officials. The board may charge a fee for distributing the roster.

Source: Laws 1997, LB 622, § 33; Laws 2015, LB23, § 30.

### **81-3434. Code of practice; contents.**

(1) The Legislature hereby finds and declares that a code of practice established by the board by which architects and professional engineers could govern their professional conduct would be beneficial to the state and would safeguard the life, health, and property and promote the public welfare of the citizens of this state.

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

(a) Professional competence;

(b) Conflict of interest;

(c) Full disclosure of financial interest;

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

(e) Compliance with laws;

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

(g) Practice of architecture and engineering.

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

(4) The board may publish commentaries regarding the code of practice. The commentaries shall explain the meaning of interpretations given to the code by the board.

Source: Laws 1997, LB 622, § 34; Laws 2015, LB23, § 31.

**81-3435. Application for licensure, examination, intern enrollment, certificate of authorization, or emeritus status; form; fees.**

(1) Applications for licensure, examination, intern enrollment, a certificate of authorization, or emeritus status shall be made on a form prescribed and furnished by the board. Applications shall be made under oath.

(2) The board may accept the verified information contained in a valid Council Record issued by the National Council of Architectural Registration Boards or the National Council of Examiners for Engineering and Surveying in lieu of the same information that is required on the form prescribed and furnished by the board.

(3)(a) The board shall establish application and licensure fees as provided in this subsection. All fees are nonrefundable.

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

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

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

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

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

Source: Laws 1997, LB 622, § 35; Laws 2015, LB23, § 32.

**81-3436. Organizational practice; certificate of authorization; when required; application; immunity; Secretary of State; registration of trade name or service mark; limitation.**

(1) An individual licensed under the Engineers and Architects Regulation Act may practice or offer to practice the profession of architecture or engineering through an organization if the criteria for organizational practice established by the board are met and the organization has been issued a certificate of authorization by the board.

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

(3) To obtain a certificate of authorization, a board-approved application shall be filed with the board. The application shall contain the names and license numbers of the



individual or individuals designated as in responsible charge and licensed to practice architecture or engineering in Nebraska. Certificates of authorization shall be for a defined period and may be renewed.

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

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

(6) An organization is not relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section. An individual practicing architecture or engineering is not relieved of responsibility for services performed by reason of employment or any other relationship with an organization holding a certificate of authorization.

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

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

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

Source: Laws 1997, LB 622, § 36; Laws 2013, LB7, § 1; Laws 2015, LB23, § 33.

**81-3436.01. Combined services with construction services; authorized; conditions.**

(1) Providing combined services involving the practice of architecture or engineering, or both, with construction services is allowed if:

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

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

(c) The rendering of architectural or professional engineering services conforms to the Engineers and Architects Regulation Act and the rules and regulations.

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

Source: Laws 2015, LB23, § 34.

**81-3437. Certificate of licensure; issuance; certificate of enrollment; issuance.**

(1) The board shall issue to any applicant who, on the basis of education, experience, and examination, has met the requirements of the Engineers and Architects Regulation Act a certificate of licensure giving the licensee proper authority to carry out the prerogatives of the act. If a professional engineer's license has been issued in a specific discipline, the discipline shall be specified on the certificate of licensure. The certificate of licensure shall carry the designation Licensed Architect or Licensed Professional (discipline) Engineer. The certificate shall give the full name of the licensee and license number and shall be signed by the chairperson of the board, the secretary of the board, and one other board member.

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

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

Source: Laws 1997, LB 622, § 37; Laws 2013, LB7, § 2; Laws 2015, LB23, § 35.

**81-3437.01. Seal; contents; use; prohibited acts.**

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

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

(3) The seal and the date of its placement shall be on all technical submissions and calculations whenever presented to a client or any public or governmental agency. It

shall be unlawful for a licensee to affix his or her seal or to permit his or her seal to be affixed to any document after the expiration of the certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade the Engineers and Architects Regulation Act.

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

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

Source: Laws 2015, LB23, § 36.

#### **81-3437.02. Coordinating professional; designation; duties.**

(1) Projects involving more than one licensed architect or professional engineer shall have an architect or professional engineer designated as the coordinating professional for the entire project. The coordinating professional may, but need not, provide architectural or engineering services on the project. The coordinating professional shall apply his or her seal in accordance with the Engineers and Architects Regulation Act to the cover sheet of all documents and denote the seal as that of the coordinating professional.

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

Source: Laws 2015, LB23, § 37.

#### **81-3438. Certificates; expiration; renewal; fees; continuing education.**

Certificates of licensure and certificates of authorization shall expire on a date established by the board and shall become invalid after that date unless renewed. The board shall notify every person licensed under the Engineers and Architects Regulation Act and every organization holding a certificate of authorization under the act of the date of the expiration of the certificate of licensure or certificate of authorization and the amount of the fee required for renewal. The notice shall be mailed at least one month in advance of the date of the expiration to the licensee or organization at the last-known address on file with the board. Valid certificates may be renewed prior to expiration upon application and payment of applicable fees. Expired certificates may be renewed in accordance with rules and regulations of the board. Renewal fees shall not exceed two hundred dollars per year. The board may require licensees to obtain continuing education as a condition of license renewal.

Source: Laws 1997, LB 622, § 38; Laws 2015, LB23, § 38.

**81-3439. Replacement certificates; fee.**

The board may issue a new certificate of licensure or certificate of authorization to replace any lost, destroyed, or mutilated certificate. A fee not to exceed one hundred dollars shall be charged for each such issuance.

Source: Laws 1997, LB 622, § 39.

**81-3440. Enforcement.**

The board shall enforce the Engineers and Architects Regulation Act and the rules and regulations, including enforcement against any unlicensed person. If any person refuses to obey any decision or order of the board, the board or, upon the request of the board, the Attorney General or the appropriate county attorney shall file an action for the enforcement of the decision or order, including injunctive relief, in the district court. After a hearing, the court shall order enforcement of the decision or order, or any part thereof, if legally and properly made by the board and, if appropriate, injunctive relief.

Source: Laws 1997, LB 622, § 40.

**81-3441. Use of title; unlawful practice.**

Except as provided in sections 81-3414, 81-3415, 81-3449, and 81-3453, an individual shall not directly or indirectly engage in the practice of architecture or engineering in the state or use the title architect or professional engineer or display or use any words, letters, figures, titles, sign, card, advertisement, or other symbol or device indicating or tending to indicate that he or she is an architect or professional engineer or is practicing architecture or engineering unless he or she is licensed under the Engineers and Architects Regulation Act. A licensee shall not aid or abet any person not licensed under the act in the practice of architecture or engineering.

Source: Laws 1997, LB 622, § 41; Laws 2011, LB45, § 7; Laws 2015, LB23, § 39.

**81-3442. Prohibited acts; penalties.**

(1) It is unlawful for any person to:

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

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

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

(d) Advertise any title or description tending to convey the impression that he or she is a licensed architect or professional engineer unless the person is duly licensed under the Engineers and Architects Regulation Act;

(e) Present or attempt to use the certificate of licensure or the seal of another person;

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

(g) Falsely impersonate any other licensee of like or different name;

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

(i) Falsely claim that he or she is licensed or authorized under the act; or

(j) Violate the act.

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

Source: Laws 1997, LB 622, § 42; Laws 2011, LB45, § 8; Laws 2015, LB23, § 40.

### **81-3443. Enforcement procedures.**

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

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

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

(4) If after the hearing the board finds the accused has violated the Engineers and Architects Regulation Act or any rules or regulations, it may issue any order or take any action described in section 81-3444. If the order revokes, suspends, or cancels a license, the board shall notify, in writing, the Secretary of State. If the board finds no violation, it shall enter an order dismissing the complaint.

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

Source: Laws 1997, LB 622, § 43; Laws 2011, LB45, § 9; Laws 2015, LB23, § 41.

**81-3444. Disciplinary actions authorized; civil penalties.**

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

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

(a) Issuance of censure or reprimand;

(b) Suspension of judgment;

(c) Placement of the offender on probation;

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

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

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

(g) Issuance of a cease and desist order;

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

(i) Dismissal of the action.

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

(4) Civil penalties collected under subdivision (2)(e) of this section shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska. All costs collected under subdivision (2)(h) of this section shall be remitted to the State Treasurer for credit to the Engineers and Architects Regulation Fund.

Source: Laws 1997, LB 622, § 44; Laws 2011, LB45, § 10; Laws 2015, LB23, § 42.

**81-3445. State and political subdivisions; construction projects.**

Except as otherwise provided in this section and sections 81-3449 and 81-3453, the state and its political subdivisions shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by an architect, a professional engineer, or a person under the direct supervision of an architect, professional engineer, or those under the direct supervision of an architect or professional engineer. This section shall not apply to any public work in which the contemplated expenditure for the complete project does not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this section every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount.

Source: Laws 1997, LB 622, § 45; Laws 1999, LB 253, § 2; Laws 2004, LB 599, § 2; Laws 2011, LB45, § 11.

**81-3446. Construction projects on private lands; applicability of act; owner; duties.**

(1) A project on private land is subject to the provisions of the Engineers and Architects Regulation Act unless exempt under section 81-3449 or 81-3453.

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

(3) For purposes of this section:

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

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

Source: Laws 1997, LB 622, § 46; Laws 2011, LB45, § 12; Laws 2015, LB23, § 43.

**81-3448. Architect; license; application; fee; requirements; examination; temporary permit.**

(1) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for admission to an examination on technical and professional subjects of architecture as prescribed by the board:

(a) Graduation from a program accredited by the National Architectural Accrediting Board, or satisfying the requirements of the Education Standard of the National Council of Architectural Registration Boards as determined by the council;

(b) Establishment of a record maintained by the National Council of Architectural Registration Boards for the purpose of documenting architectural work experience for the council's Intern Development Program; and

(c) Submittal of an application accompanied by the fee established by the board.

(2) The following shall be considered as the minimum evidence satisfactory to the board that an applicant is eligible for initial licensure as an architect:

(a) Passage of an examination on technical and professional subjects as prescribed by the board as set forth in subsection (1) of this section;

(b) Completion of the Intern Development Program of the National Council of Architectural Registration Boards, or its equivalent as determined by the council;

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

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

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



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

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

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

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

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

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

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

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

(6) An individual who holds a valid license to practice architecture in another jurisdiction may be issued a temporary permit to provide architectural services for a specific project. An individual may not be issued more than one temporary permit. Temporary permit holders are subject to all of the provisions of the Engineers and Architects Regulation Act governing the practice of architecture.

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

(8) The board or its agent shall direct the time and place of the architectural examinations referenced in subsections (1) and (2) of this section.

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

(10) Licensure shall be effective upon issuance.

Source: Laws 1997, LB 622, § 48; Laws 2011, LB45, § 13; Laws 2015, LB23, § 44.

**81-3449. Practice of architecture; exempted activities.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

livestock waste facilities that are not subject to a permit by the Department of Environment and Energy; and

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

Source: Laws 1997, LB 622, § 49; Laws 1999, LB 253, § 3; Laws 1999, LB 440, § 1; Laws 2000, LB 900, § 251; Laws 2004, LB 599, § 3; Laws 2011, LB45, § 14; Laws 2015, LB23, § 45; Laws 2019, LB302, § 173.

**81-3450. Technical submissions by architect; affix seal and signature; conditions.**

(1) An architect shall not affix his or her seal and signature to technical submissions that are subject to the Engineers and Architects Regulation Act unless the technical submissions were:

(a) Prepared entirely by the architect;

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

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

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

Source: Laws 1997, LB 622, § 50; Laws 2013, LB7, § 3; Laws 2015, LB23, § 46.

**81-3451. Engineer-intern; enrollment; requirements; application; fee; professional engineer; license; application; fee; examination; requirements.**

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

(a) Graduation from a program accredited by the Engineering Accreditation Commission of ABET, or meeting the Education Standard of the National Council of Examiners for Engineering and Surveying as determined by the council;

(b) Passage of an examination in the fundamentals of engineering as accepted by the board;

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

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

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

(i) Graduation from a program accredited by the Engineering Accreditation Commission of ABET, or meeting the Education Standard of the National Council of Examiners for Engineering and Surveying as determined by the council;

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

(iii) Passage of an examination in the fundamentals of engineering as accepted by the board;

(iv) Submittal of an application accompanied by the fee established by the board; and

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

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

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

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

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

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

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

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

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

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

(5) An individual who has been licensed to practice engineering for fifteen years or more in one or more jurisdictions and who has practiced engineering for fifteen years in compliance with the licensing laws in the jurisdictions where his or her engineering practice has occurred since initial licensure may, upon application, be licensed as a professional engineer after:

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

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

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

(7) An individual who holds a valid license to practice engineering in another jurisdiction may be issued a temporary permit to provide engineering services for a specific project. An individual may not be issued more than one temporary permit. Temporary permit holders are subject to all of the provisions of the Engineers and Architects Regulation Act governing the practice of engineering.

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

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

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

(11) Licensure shall be effective upon issuance.

Source: Laws 1997, LB 622, § 51; Laws 2004, LB 599, § 4; Laws 2004, LB 1069, § 1; Laws 2011, LB45, § 15; Laws 2015, LB23, § 47.

**81-3453. Practice of engineering; exempted activities.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

Source: Laws 1997, LB 622, § 53; Laws 1999, LB 253, § 4; Laws 1999, LB 440, § 2; Laws 2000, LB 900, § 252; Laws 2003, LB 94, § 19; Laws 2004, LB 599, § 5; Laws 2011, LB45, § 17; Laws 2015, LB23, § 48; Laws 2019, LB302, § 174.

**81-3454. Technical submissions by professional engineer; affix seal and signature; conditions.**

(1) A professional engineer shall not affix his or her seal and signature to technical submissions that are subject to the Engineers and Architects Regulation Act unless the technical submissions were:

(a) Prepared entirely by the professional engineer;

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

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

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

Source: Laws 1997, LB 622, § 54; Laws 2013, LB7, § 4; Laws 2015, LB23, § 49.

**81-3455. Act, how construed.**

The Legislature declares that the Engineers and Architects Regulation Act is necessary for the public convenience and welfare, is remedial in nature, and shall be construed liberally. Nothing in the act shall be construed to establish a statewide building code.

Source: Laws 1997, LB 622, § 55.