

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT (CORRECTED)
LB23

Hearing Date: Friday January 23, 2015
Committee On: Health and Human Services
Introducer: Krist
One Liner: Change the Engineers and Architects Regulation Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:
Aye: 7 Senators Riepe, Kolterman, Howard, Crawford, Campbell, Baker, Cook
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:
Senaotr Bob Krist
Steve Masters
Jennifer Klein
Daniel Thiele
Mark Lutjeharms
Sara Kay

Representing:
District 10
Nebraska Board of Engineers and Architects
Nebraska Board of Engineers and Architects
Professional Engineers Coalition
American Council of Engineering Companies, Nebraska
American Institute of Architects, Nebraska Chapter

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Provide a description and rationale for introducing this legislation. Include information on the person or entity behind the proposal:

LB23 was developed by the State Board of Engineers and Architects to clean up the Engineers and Architects Regulation Act.

Section-by-section description:

Section 1: Amends 81-3401, to ensure that new sections of the bill are included within the definition of the Engineers and Architects Regulation Act.

Section 2: Language is removed relating to unlawful practicing of engineering or architecture from 81-3402. That language has been transferred to section 40 of this bill and will be found in a similar fashion in 81-3442.

Section 3: Amends 81-3403 to include the new sections of this bill within the definitions of the Act.

Section 4: Amends 81-3404 to simplify the definition of an architect.

Section 5: Adds the definition of a building to the Act.

Section 6: Amends 81-3405.01 to better define the role of a building official and their responsibility for projects in their respective political subdivisions.

Section 7: Amends 81-3407 related to continuing education.

Section 8: Amends 81-3408 that defines a coordinating professional. The new language uses the term licensee to be

concise and consistent with other language within the Act.

Section 9: 81-3408 that defines a coordinating professional. The new language uses the term licensee to be concise and consistent with other language within the Act.

Section 10: Amends 81-3411 relating to "direct supervision" that cleans up the meaning.

Section 11: Amends 81-3412 defining emeritus to only include an architect or professional engineer who has relinquished his or her license and is approved by the board to use the honorary title of emeritus.

Section 12: Amends 81-3414 defining engineer-intern as a person who has been enrolled by the board.

Section 13: Changes the placement of certain language within the estimator or technician definition in 81-3415.

Section 14: Replaces the word moral with "ethical," so that 81-3416 now defines "good ethical character" as opposed to the previous term of "good moral character." The last sentence relating to an offense justifying discipline has been removed from the definition of good ethical character.

Section 15: Adds a definition of "intern architect" to the Act.

Section 16: Adds a definition of "licensee" to allow for simpler and consistent language throughout the statute.

Section 17: Amends the definition of organization in 81-3418 to mean businesses created by law and adds joint venture language. The bill removes language related to public service providers in this statute.

Section 18: Amends the definition of "practice of architecture" in 81-3420 and adds a new definition of when a person shall be construed to practice architecture and includes a person who holds themselves out to practice, any representation or through the use of an implicit architectural title.

Section 19: Amends 81-3421 which defines the practice of engineering. The statute currently defines very isolated functions of engineering and the new bill identifies broad categories to define the practice of engineering. There is additional language clean up within this section and edits that reflect changes in technology.

Section 20: Amends 81-3422, which defines a professional engineer.

Section 21: Amends the definition of "project" and eliminates reference to statutes on exempt projects is removed in this section of the bill.

Section 22: Amends the definition of "public service provider" and removes the full time language from 81-3423. The new language applies to political subdivisions that employ or appoint an architect or a professional engineer to be in charge of the relevant work.

Section 23: Amends 81-3425 to define responsible charge to mean only the work done through an organization.

Section 24: Amends 81-3427 to define technical submissions as only documents that are prepared in conjunction with a project. The previous language did not provide for the parameters related to a project.

Section 25: Amends 81-3428 pertaining to the Board of Engineer and Architects. This section removes language about using any funds available to find office space in Lincoln, NE and now just defines that office shall be in Lincoln, NE. The two education members on the board shall now consist of one architect member recommended by the University of Nebraska Dean of Architecture and one engineer member recommended by the University of Nebraska Dean of Engineering. There is language about citizenship in the US and Nebraska, as well as experience in the field that was transferred language from 81-3429. Emeritus membership is updated with an expiration date of membership.

Section 26: Removes language in 81-3429 regarding board member requirements that was transferred to 81-3428 for consistency. The daily pay for board members participating in relevant activities is increased from \$60 to \$100 and further defines the reimbursement of authorized expenses.

Section 27: Removes outdated language and language about the rules and regulations continuing in effect until changed by the Board in 81-3430.

Section 28: Amends 81-3432 to remove outdated language with a 2011 end date about legislative discretion to transfer funds to the General Fund.

Section 29: Amends language in 81-3432.01 to change "loan repayment" to "debt repayment".

Section 30: Amends 81-3433 related to rosters of architects and professional engineers and it is now the responsibility of the board, and not solely the board secretary, to maintain and distribute that list. Updates for technology.

Section 31: Amends 81-3434 related to the code of practice for architects and professional engineers to simplify language.

Section 32: Updates language in 81-3435 regarding the application for licensure to simplify fees and includes language removed in subsequent sections.

Section 33: Updates 81-3436 related to certificates of authorization for individuals through an organization. Adds new language allows for registration of business name if the board determines the nature of the business could not reasonably be construed as engineering or architecture focused.

Section 34: Adds new language regarding the combined services involving architecture, engineering, or both, with construction services if certain listed criteria is met.

Section 35: Amends 81-3437 to add specific disciplines as a possibility to be listed on a professional engineer's certificate of licensure. The language regarding seals is removed from 81-3437 and transferred to a new statute (Section 36 of the bill). The remaining changes provide for consistent wording throughout the Act, specifically related to requirements for an engineer-intern.

Section 36: Transferred from 81-3437 and relates to the issuance, content and use of a seal.

Section 37: Adds language defining that projects involving more than one licensed architect or professional engineer shall have a coordinating professional for the project. The coordinating professional shall provide their seal on the cover sheet of all documents relating to the project. The coordinating professional is responsible for review of technical documents.

Section 38: Updates 81-3438 regarding licensure and certificate expiration.

Section 39: Amends 81-3441 to remove reference to an exception for individuals not engaging in the practice of architecture or engineering.

Section 40: Language on unlawful practice is transferred to 81-3442 from 81-3402. Adds a sub-section regarding falsely advertising or conveying the impression that one is licensed, when they are not indeed licensed. There are other grammatical changes and the criminal penalties are moved to the end of the statute. The criminal penalties remain the same.

Section 41: Updates 81-3443 regarding complaints against persons or organizations related to architecture and engineering. A hearing on the complaint is no longer at the discretion of the board. Updates language and re-formats the statute into five sections.

Section 42: Amends 81-3444 regarding a violation of the rules and regulations would require a 2/3-majority vote by the board, instead of a majority vote. Updates language generally.

Section 43: Amends 81-3446 to include projects on private land as subject to provisions of the Act unless exempt under 81-3449 or 81-3453. Updates language.

Section 44: Updates 81-3448 for the initial licensure as an architect.

Section 45: Amends 81-3449, certain unnecessary provisions are removed that are now encompassed in Section 34 of this bill about construction services.

Section 46: Updates and re-formats 81-3450 pertaining to seal and signature of technical submissions for architects.

Section 47: Amends 81-3451, to add standard examination language that has been updated. For example, (ii) requires 4 years of experience before admittance to sit the PE examination.

Section 48: Amends 81-3453 to change "design professional" to "licensee" to be consistent with other changes in the Act.

Section 49: Updates and re-formats 81-3454 pertaining to seal and signature of technical submissions for professional engineers.

Section 50: Repeals original statutes.

Section 51: Outright repealer.

Kathy Campbell, Chairperson