

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 665**

Introduced by Krist, 10.

Read first time January 08, 2014

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to engineers and architects; to amend sections  
2 81-3402, 81-3404, 81-3407, 81-3408, 81-3409, 81-3411,  
3 81-3412, 81-3414, 81-3415, 81-3416, 81-3418, 81-3420,  
4 81-3421, 81-3422, 81-3423, 81-3425, 81-3427, 81-3428,  
5 81-3430, 81-3433, 81-3434, 81-3435, and 81-3438, Reissue  
6 Revised Statutes of Nebraska, sections 81-3401, 81-3403,  
7 81-3405.01, 81-3422.01, 81-3429, 81-3432, 81-3432.01,  
8 81-3441, 81-3442, 81-3443, 81-3444, 81-3446, 81-3448,  
9 81-3449, 81-3451, and 81-3453, Revised Statutes  
10 Cumulative Supplement, 2012, and sections 81-3436,  
11 81-3437, 81-3450, and 81-3454, Revised Statutes  
12 Supplement, 2013; to change the Engineers and Architects  
13 Regulation Act; to eliminate certain defined terms and  
14 provisions on examinations; to harmonize provisions; to  
15 repeal the original sections; and to outright repeal  
16 sections 81-3406, 81-3410, 81-3413, 81-3417, 81-3419, and  
17 81-3424, Reissue Revised Statutes of Nebraska, and

1                   section 81-3452, Revised Statutes Cumulative Supplement,  
2                   2012.  
3    Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 81-3401, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3                   81-3401 Sections 81-3401 to 81-3455 and sections 5, 15,  
4 16, 34, 36, 37, and 44 of this act shall be known and may be cited as  
5 the Engineers and Architects Regulation Act.

6                   Sec. 2. Section 81-3402, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8                   81-3402 In order to safeguard life, health, and property  
9 and to promote the public welfare, the professions of architecture  
10 and engineering are declared to be subject to regulation in the  
11 public interest. ~~It is unlawful for any person to (1) practice or~~  
12 ~~offer to practice architecture or engineering in this state, (2) use~~  
13 ~~in connection with his or her name, except as provided in sections~~  
14 ~~81-3413 to 81-3415, or otherwise assume the title architect or~~  
15 ~~professional engineer, or (3) advertise any title or description~~  
16 ~~tending to convey the impression that he or she is a licensed~~  
17 ~~architect or engineer unless the person is duly licensed or exempt~~  
18 ~~from licensure under the Engineers and Architects Regulation Act. The~~  
19 practice of architecture and engineering and use of the titles  
20 architect or professional engineer is a privilege granted by the  
21 state through the board based on the qualifications of the individual  
22 as evidenced by a certificate of licensure which is not transferable.

23                   Sec. 3. Section 81-3403, Revised Statutes Cumulative  
24 Supplement, 2012, is amended to read:

25                   81-3403 For purposes of the Engineers and Architects

1 Regulation Act, the definitions found in sections 81-3404 to 81-3427  
2 and sections 5, 15, and 16 of this act shall be used.

3 Sec. 4. Section 81-3404, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 81-3404 Architect means a person who ~~engages in the~~  
6 ~~practice of architecture and who has a current certificate of~~  
7 licensure issued is licensed by the board to practice architecture.

8 Sec. 5. Building means any structure used, or intended to  
9 be used, to support, shelter, or enclose any use or occupancy.

10 Sec. 6. Section 81-3405.01, Revised Statutes Cumulative  
11 Supplement, 2012, is amended to read:

12 81-3405.01 Building official means ~~the a~~ person appointed  
13 by the state or a political subdivision having ~~jurisdiction over the~~  
14 ~~project to have principal responsibility for the public safety of the~~  
15 ~~project as completed.~~ and welfare and the enforcement of building  
16 codes with regard to buildings and other structures within such  
17 person's jurisdiction.

18 Sec. 7. Section 81-3407, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 81-3407 Continuing education means ~~the process of~~  
21 ~~training and developing knowledge related to a profession after~~  
22 ~~licensure is attained.~~ lifelong learning and training relevant to a  
23 licensee's professional practice.

24 Sec. 8. Section 81-3408, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           81-3408 Coordinating professional means ~~an architect or~~  
2 ~~professional engineer~~ a licensee who coordinates, as ~~qualified,~~  
3 ~~appropriate,~~ the various professional disciplines work of all  
4 licensees involved in a project.

5           Sec. 9. Section 81-3409, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           81-3409 Design means the preparation of schematics,  
8 layouts, plans, drawings, specifications, calculations, and other  
9 diagnostic documents which ~~show detail~~ the features, scope, and  
10 detail of an architectural or engineering ~~work to be executed.~~  
11 project.

12           Sec. 10. Section 81-3411, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           81-3411 Direct supervision means ~~the degree of~~  
15 ~~supervision by a person overseeing the work of other persons by which~~  
16 ~~the supervisor has~~ having full professional knowledge and control  
17 over and professional knowledge of the work being done. work that  
18 constitutes the practice of architecture or engineering.

19           Sec. 11. Section 81-3412, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           81-3412 Emeritus, ~~referring to an architect or~~  
22 ~~professional engineer,~~ means ~~a~~ an architect or professional engineer  
23 who relinquishes or does not renew has relinquished his or her  
24 ~~licensure~~ license and who is approved by the board to ~~receive~~  
25 ~~publications and use~~ the honorary title emeritus.

1           Sec. 12. Section 81-3414, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           81-3414 Engineer-intern means a person who has ~~passed an~~  
4 ~~examination in the fundamental engineering subjects as provided in~~  
5 ~~section 81-3451.~~ been duly enrolled as an engineer-intern by the  
6 board.

7           Sec. 13. Section 81-3415, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           81-3415 Estimator, technician, or other similar titles  
10 means a person who through training or experience is performing ~~under~~  
11 ~~the supervision of an architect or professional engineer~~ tasks  
12 associated with the practice of architecture or engineering under the  
13 supervision of an architect or professional engineer, respectively.

14           Sec. 14. Section 81-3416, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           81-3416 Good ~~moral~~ ethical character means such character  
17 as will enable a person to discharge the fiduciary duties of an  
18 architect or professional engineer to his or her client and to the  
19 public for the protection of the public health, safety, and welfare.  
20 ~~Evidence of inability to discharge such duties includes the~~  
21 ~~commission of an offense justifying discipline.~~

22           Sec. 15. Intern architect means a person who has enrolled  
23 in the Intern Development Program of the National Council of  
24 Architectural Registration Boards and holds a degree from a program  
25 accredited by the National Architectural Accrediting Board or

1 equivalent.

2           Sec. 16. Licensee means a licensed architect or  
3 professional engineer.

4           Sec. 17. Section 81-3418, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           81-3418 Organization ~~includes~~ means a business entity  
7 created by law, including, but not limited to, a partnership, limited  
8 liability company, corporation, or other form of business entity but  
9 not public service providers. joint venture.

10           Sec. 18. Section 81-3420, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           81-3420 (1) Practice of architecture means ~~rendering~~  
13 providing or offering to render provide design services in connection  
14 with the ~~design and~~ construction, enlargement, or alteration of a  
15 building or group of buildings and the space within and surrounding  
16 the buildings. The services may include, but are not limited to,  
17 planning, providing ~~preliminary~~ studies, designs, drawings,  
18 specifications, and other technical submissions, ~~administration of~~  
19 and administering construction contracts., ~~coordination of any~~  
20 ~~elements of technical submissions prepared by others including, as~~  
21 ~~appropriate and without limitation, consulting engineers and~~  
22 ~~landscape architects, and acting as a coordinating professional.~~ The  
23 practice of architecture does not include the practice of  
24 engineering.

25           (2) A person shall be construed to practice architecture,

1 within the meaning and intent of the Engineers and Architects  
2 Regulation Act, if he or she:

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

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

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

11 Sec. 19. Section 81-3421, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 81-3421 (1) Practice of engineering means any service or  
14 creative work if the adequate performance of the service or work that  
15 requires engineering education, training, and experience in the  
16 application of special knowledge of the mathematical, physical, and  
17 engineering sciences, to include such services or creative work as  
18 consultation, investigation, evaluation, planning, design and design  
19 coordination of engineering works and systems, planning the use of  
20 land and water, performing engineering surveys and studies, the  
21 review of construction for the purpose of monitoring compliance with  
22 drawings and specifications, administration of construction  
23 contracts, and acting as a coordinating professional, and any of  
24 which embraces such services or work, either public or private, in  
25 connection with any utilities, structures, buildings, machines,

1 ~~equipment, processes, work systems, projects, and industrial or~~  
2 ~~consumer products or equipment of a mechanical, electrical,~~  
3 ~~hydraulic, pneumatic, or thermal nature, insofar as they involve~~  
4 ~~safeguarding life, health, or property, and including such other~~  
5 ~~professional services as may be necessary to the planning, progress,~~  
6 ~~and completion of any engineering services. The services may include,~~  
7 ~~but are not limited to, planning, providing studies, designs,~~  
8 ~~drawings, specifications, and other technical submissions, and~~  
9 ~~administering construction contracts. The practice of engineering~~  
10 does not include the practice of architecture.

11 ~~Design coordination includes the review and coordination~~  
12 ~~of those technical submissions prepared by others, including, but not~~  
13 ~~limited to, as appropriate and without limitation, consulting~~  
14 ~~engineers, architects, landscape architects, land surveyors, and~~  
15 ~~other professionals working under the direction of the professional~~  
16 ~~engineer.~~

17 ~~Engineering surveys includes all survey activities~~  
18 ~~required to support the sound conception, planning, design,~~  
19 ~~construction, maintenance, and operation of engineering projects but~~  
20 ~~excludes the surveying of real property for the establishment of land~~  
21 ~~boundaries, rights of way, easements, and the dependent or~~  
22 ~~independent surveys or resurveys of the public land survey system.~~

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

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

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

7           ~~(3) through (c)~~ Through the use of some other title,  
8 implies that he or she is a professional engineer or licensed under  
9 the Engineers and Architects Regulation Act.; ~~or (4) holds himself~~  
10 ~~or herself out as able to perform or does perform any engineering~~  
11 ~~service or work or any other service designated by the practitioner~~  
12 ~~which is recognized by the board as engineering. The practice of~~  
13 ~~engineering does not include the services ordinarily performed by~~  
14 ~~subordinates under direct supervision of a professional engineer or~~  
15 ~~those commonly designated as locomotive, stationary, and marine~~  
16 ~~operating engineers, power plant operating engineers, or~~  
17 ~~manufacturers who supervise the operation of or operate machinery or~~  
18 ~~equipment or who supervise construction within their own plant.~~

19           Sec. 20. Section 81-3422, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           81-3422 Professional engineer means a person who is  
22 licensed ~~as a professional engineer by the board~~ to practice  
23 engineering. The board may designate a professional engineer, on the  
24 basis of education, experience, and examination, as being licensed in  
25 a specific discipline ~~or branch~~ of engineering signifying the an area

1 in which the professional engineer has demonstrated competence.

2 Sec. 21. Section 81-3422.01, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4 81-3422.01 Project means ~~the construction, enlargement,~~  
5 ~~or alteration of works involving one or more related activities that~~  
6 require the practice of architecture or engineering other than those  
7 exempted by sections 81-3449 and 81-3453. for completion.

8 Sec. 22. Section 81-3423, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 81-3423 Public service provider means any political  
11 subdivision which employs or appoints an architect or a municipal  
12 professional engineer or which employs a full-time person licensed  
13 under the Engineers and Architects Regulation Act who is to be in  
14 responsible charge of the political subdivision's architectural or  
15 engineering work.

16 Sec. 23. Section 81-3425, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 81-3425 Responsible charge means ~~control and supervision~~  
19 for the management of the technical and financial aspects of  
20 engineering or architectural work through an organization.

21 Sec. 24. Section 81-3427, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 81-3427 Technical submissions means designs, drawings,  
24 specifications, studies, and other technical reports that constitute,  
25 or may be prepared in conjunction with, a project.

1                   Sec. 25. Section 81-3428, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   81-3428 (1) The Board of Engineers and Architects is  
4 created to administer the Engineers and Architects Regulation Act.  
5 ~~The board may use any funds available to obtain suitable office space~~  
6 ~~within Lincoln, Nebraska.~~ The board shall consist of ~~six~~ eight  
7 members appointed by the Governor, ~~after consultation with the~~  
8 ~~appropriate professional organizations,~~ for terms of five years  
9 terminating on the last day of February, ~~and two education members~~  
10 ~~appointed as prescribed in subsection (2) of this section.~~ The board  
11 shall consist of:

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

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

24                   (c) One public member.

25                   (2) Each member shall hold office after the expiration of

1 his or her term until his or her successor is duly appointed and  
2 qualified. ~~The Governor may remove any member of the board for~~  
3 ~~misconduct, incompetency, or neglect of duty.~~ Vacancies in the  
4 membership of the board, however created, shall be filled for the  
5 unexpired term by appointment by the Governor. ~~The Board of Examiners~~  
6 ~~for Professional Engineers and Architects as it existed immediately~~  
7 ~~prior to January 1, 1998, shall serve as the Board of Engineers and~~  
8 ~~Architects until the additional public member is appointed.~~ The  
9 Governor shall reappoint or replace existing members as their terms  
10 expire, and the public member shall be reappointed or replaced in the  
11 fifth year of his or her term. The Governor may remove any member of  
12 the board for misconduct, incompetency, or neglect of duty.

13 (2) ~~The board shall include two education members who are~~  
14 ~~licensed in the relevant profession representing the professional~~  
15 ~~faculty of the College of Engineering and Technology and the College~~  
16 ~~of Architecture within the University of Nebraska, as recommended by~~  
17 ~~the dean of the respective college and appointed by the Governor. The~~  
18 ~~appointments are for five years.~~

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

1 profession.

2 ~~(3)~~(4) The board may designate a former member of the  
3 board as an emeritus member, but for no more than ten years after his  
4 or her original board membership expires. Emeritus member status,  
5 when conferred, must be renewed annually.

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

8 Sec. 26. Section 81-3429, Revised Statutes Cumulative  
9 Supplement, 2012, is amended to read:

10 81-3429 ~~Each member of the board shall be a citizen of~~  
11 ~~the United States and a resident of the State of Nebraska for at~~  
12 ~~least one year immediately preceding appointment. Each professional~~  
13 ~~member shall have been engaged in the active practice of the design~~  
14 ~~profession for at least ten years, shall have had responsible charge~~  
15 ~~of work for at least five years at the time of his or her~~  
16 ~~appointment, and shall be licensed in the appropriate profession.~~  
17 Each member of the board shall receive as compensation not more than  
18 sixty one hundred dollars per day for each day or substantial portion  
19 of a day ~~actually spent in~~ traveling to and from and ~~while attending~~  
20 sessions of the board and its committees, authorized meetings of the  
21 National Council of Architectural Registration Boards, the National  
22 Council of Examiners for Engineering and Surveying, or their  
23 subdivisions or committees, or other business as authorized by the  
24 board. Each member of the board shall be reimbursed for ~~and~~ all  
25 necessary and authorized expenses incident to the performance of his

1 or her duties under the Engineers and Architects Regulation Act as  
2 provided in sections 81-1174 to 81-1177.

3           Sec. 27. Section 81-3430, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           81-3430 Each member of the board shall receive a  
6 certificate of appointment from the Governor and, before beginning  
7 his or her term of office, shall file with the Secretary of State the  
8 constitutional oath of office. The board or any committee of the  
9 board is entitled to the services of the Attorney General in  
10 connection with the affairs of the board, and the board may compel  
11 the attendance of witnesses, administer oaths, and take testimony and  
12 proofs concerning all matters within its jurisdiction. The Attorney  
13 General shall act as legal advisor to the board and render such legal  
14 assistance as may be necessary in carrying out the Engineers and  
15 Architects Regulation Act. The board shall adopt and have an official  
16 seal, which shall be affixed to all certificates of licensure  
17 granted, and shall adopt and promulgate rules and regulations to  
18 carry out the act. ~~The rules and regulations of the Board of~~  
19 ~~Examiners for Professional Engineers and Architects in effect~~  
20 ~~immediately prior to January 1, 1998, shall continue in effect until~~  
21 ~~changed by the Board of Engineers and Architects.~~

22           Sec. 28. Section 81-3432, Revised Statutes Cumulative  
23 Supplement, 2012, is amended to read:

24           81-3432 The Engineers and Architects Regulation Fund is  
25 created. The secretary of the board shall receive and account for all

1 money derived from the operation of the Engineers and Architects  
2 Regulation Act and shall remit the money to the State Treasurer for  
3 credit to the Engineers and Architects Regulation Fund. All expenses  
4 certified by the board as properly and necessarily incurred in the  
5 discharge of duties, including compensation and administrative staff,  
6 and any expense incident to the administration of the act relating to  
7 other states shall be paid out of the fund. ~~Loan-Debt~~ repayments  
8 payable pursuant to section 81-3432.01 shall be paid out of the fund.  
9 Warrants for the payment of expenses shall be issued by the Director  
10 of Administrative Services and paid by the State Treasurer upon  
11 presentation of vouchers regularly drawn by the chairperson and  
12 secretary of the board and approved by the board. At no time shall  
13 the total amount of warrants exceed the total amount of the fees  
14 collected under the act and to the credit of the fund. ~~Transfers may~~  
15 ~~be made from the fund to the General Fund at the direction of the~~  
16 ~~Legislature through June 30, 2011.~~ Any money in the ~~Engineers and~~  
17 ~~Architects Regulation Fund~~ fund available for investment shall be  
18 invested by the state investment officer pursuant to the Nebraska  
19 Capital Expansion Act and the Nebraska State Funds Investment Act.

20           Sec. 29. Section 81-3432.01, Revised Statutes Cumulative  
21 Supplement, 2012, is amended to read:

22           81-3432.01 (1) The board may repay qualified educational  
23 debt owed by an eligible graduate. Such repayment shall be made from  
24 the Engineers and Architects Regulation Fund. To be eligible for ~~loan~~  
25 debt repayment, a recipient shall be a graduate of (a) a National

1 Architectural Accrediting Board-accredited architecture program in  
2 Nebraska or (b) an ABET-accredited engineering program in Nebraska  
3 and shall have obtained qualified educational debt.

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

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

10 Sec. 30. Section 81-3433, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 81-3433 The ~~secretary of the board~~ shall publish maintain  
13 and make available to the public a complete roster of all architects  
14 and professional engineers showing ~~the~~ their names and last-known  
15 addresses. ~~of all architects and professional engineers at intervals~~  
16 ~~as established by the board.~~ The ~~secretary~~ board shall file the  
17 roster with the Secretary of State and may ~~mail~~ distribute a copy to  
18 each licensed person as well as county and municipal officials. The  
19 ~~secretary of the board may also sell or distribute copies of~~ charge a  
20 fee for distributing the roster. ~~to the public.~~

21 Sec. 31. Section 81-3434, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 81-3434 (1) The Legislature hereby finds and declares  
24 that a code of practice established by the board by which architects  
25 and professional engineers could govern their professional conduct

1 would be beneficial to the state and would safeguard the life,  
2 health, and property and promote the public welfare of the citizens  
3 of this state.

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

6 (a) Professional competence;

7 (b) Conflict of interest;

8 (c) Full disclosure of financial interest;

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

11 (e) Compliance with laws;

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

14 (g) Practice of architecture and engineering.

15 (3) The board may ~~establish a~~ adopt and promulgate rules  
16 and regulations to implement the code of practice. ~~through rules and~~  
17 ~~regulations.~~

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

21 Sec. 32. Section 81-3435, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 81-3435 (1) ~~Application~~ Applications for licensure,  
24 examination, intern enrollment, a certificate of authorization, or  
25 emeritus status ~~as an architect or professional engineer or~~

1 ~~enrollment as an engineer intern shall be made on a form prescribed~~  
2 ~~and furnished by the board. It Applications shall contain statements~~  
3 ~~be made under oath, showing the applicant's education and a detailed~~  
4 ~~summary of technical experience and shall include the names and~~  
5 ~~complete mailing addresses of the references, none of whom should be~~  
6 ~~members of the board.~~

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

13 ~~(2) Application and licensure fees shall be established~~  
14 ~~by the board and shall accompany the application. Original and~~  
15 ~~reciprocal fees shall~~ (3)(a) The board shall establish application  
16 and licensure fees as provided in this subsection. All fees are  
17 nonrefundable.

18 (b) The fee for license applications may not exceed three  
19 hundred dollars, and shall be in addition to the examination fee  
20 which shall be set to recover the costs of examination and its  
21 administration.

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

24 ~~(3)~~ (d) The fee for intern enrollment ~~shall be~~  
25 ~~established by the board and shall accompany the application. The fee~~

1 ~~shall may not exceed one hundred dollars, and shall be in addition to~~  
2 ~~the examination fee which shall be set to recover the costs of the~~  
3 ~~examination and its administration.~~

4 ~~(4)—(e) The certificate of authorization fee for~~  
5 ~~organizations shall be established by the board and shall accompany~~  
6 ~~the application. The fee shall may not exceed three hundred dollars~~  
7 ~~per year.~~

8 ~~(5)—(f) The fee for emeritus status shall be established~~  
9 ~~by the board and shall accompany the application. The fee shall may~~  
10 ~~not exceed one hundred dollars per year.~~

11 ~~(6) If the board denies the issuance of a certificate or~~  
12 ~~enrollment to any applicant, including the application of an~~  
13 ~~organization for a certificate of authorization, the board shall~~  
14 ~~retain the fee.~~

15 Sec. 33. Section 81-3436, Revised Statutes Supplement,  
16 2013, is amended to read:

17 81-3436 (1) ~~The practice or offer to practice for others~~  
18 ~~the professions of architecture or engineering by individuals An~~  
19 ~~individual licensed under the Engineers and Architects Regulation Act~~  
20 ~~may practice or offer to practice the professions of architecture or~~  
21 ~~engineering through an organization ~~is permitted~~ if the criteria for~~  
22 ~~organizational practice established by the board are met and the~~  
23 ~~organization ~~had~~ has been issued a certificate of authorization by~~  
24 ~~the board. All technical submissions by an organization involving the~~  
25 ~~practice of architecture and engineering, when issued or filed for~~

1 ~~public record, shall be dated and bear the seal of the licensee~~  
2 ~~qualified in the profession who prepared the submission or under~~  
3 ~~whose immediate direction they were prepared. Public service~~  
4 ~~providers are not included in this section.~~

5 ~~(2) An organization desiring a certificate of~~  
6 ~~authorization shall file with the board an application, using the~~  
7 ~~form provided by the board, listing the names and addresses of all~~  
8 ~~officers of the organization, the members of the organization's~~  
9 ~~governing body, and the individual or individuals duly licensed to~~  
10 ~~practice their respective professions in this state who shall be in~~  
11 ~~responsible charge of the practice of those professions in the state~~  
12 ~~through the organization. Any change in status of any of these~~  
13 ~~persons during the certificate period shall be designated on the same~~  
14 ~~form and filed with the board within thirty days after the effective~~  
15 ~~date of the change. If the requirements of this section are met, the~~  
16 ~~board shall issue a certificate of authorization to the organization~~  
17 ~~and the organization may contract for and collect fees for furnishing~~  
18 ~~professional services.~~

19 ~~(3) The act shall not prevent an organization from~~  
20 ~~performing professional services for itself.~~

21 (2) An organization applying for a certificate of  
22 authorization shall designate at least one licensed architect as the  
23 person in responsible charge of any practice of architecture by the  
24 organization and at least one professional engineer as the person in  
25 responsible charge of any practice of engineering by the

1 organization. One who renders only occasional professional services  
2 for an organization may not be designated as being in responsible  
3 charge of the professional activities of an organization under this  
4 section.

5 (3) To obtain a certificate of authorization, a board-  
6 approved application shall be filed with the board. The application  
7 shall contain the names and license numbers of the individual or  
8 individuals designated as in responsible charge and licensed to  
9 practice architecture or engineering in Nebraska. Certificates of  
10 authorization shall be for a defined period and may be renewed.

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

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

19 ~~(4)-(6)~~ An organization is not relieved of responsibility  
20 for the conduct or acts of its agents, employees, officers, or  
21 partners by reason of its compliance with this section. An individual  
22 practicing architecture or engineering is not relieved of  
23 responsibility for services performed by reason of employment or any  
24 other relationship with an organization holding a certificate of  
25 authorization.

1           ~~(5) Commencing one year after January 1, 1998, the~~ (7)  
2     The Secretary of State shall not issue a certificate of authority to  
3     do business in the state to an applicant or issue a registration of  
4     name in the state to an organization which ~~includes among the~~  
5     objectives ~~for which it is established~~ intends to engage in the  
6     practice of architecture or engineering, ~~or any modification or~~  
7     derivation ~~of those design professions,~~ unless the board has issued  
8     the applicant a certificate of authorization or a letter indicating  
9     the eligibility of the applicant to receive a certificate or to  
10    register the name. ~~The organization shall supply the certificate or~~  
11    letter ~~with its application for incorporation or licensure.~~

12           ~~(6) Commencing one year after January 1, 1998, the~~ (8)  
13    Except as otherwise authorized in the Engineers and Architects  
14    Regulation Act or in the Professional Landscape Architects Act, the  
15    Secretary of State shall not register any trade name or service mark  
16    which includes the words architect or engineer, or any modification  
17    or derivative of such words, in ~~its~~ an applicant's firm name or  
18    logotype ~~except to those organizations holding authorization~~  
19    certificates ~~issued by the board except as authorized in the act or~~  
20    in the Professional Landscape Architects Act. unless the board has  
21    issued the applicant a certificate of authorization or a letter  
22    indicating the eligibility of the applicant to register the trade  
23    name or service mark.

24           (9) A public service provider or an organization may  
25    engage in the practice of architecture or engineering for itself

1 without obtaining a certificate of authorization.

2 ~~(7) The certificate of authorization shall be renewed~~  
3 ~~periodically as required by the board.~~

4 ~~(8) A design professional who renders occasional, part-~~  
5 ~~time, or consulting services to or for an organization may not for~~  
6 ~~the purposes of this section be designated as being responsible for~~  
7 ~~the professional activities of the organization.~~

8 Sec. 34. (1) Providing combined services involving the  
9 practices of architecture or engineering, or both, with construction  
10 services is allowed if:

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

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

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

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

22 Sec. 35. Section 81-3437, Revised Statutes Supplement,  
23 2013, is amended to read:

24 81-3437 (1) The board shall issue to any applicant who,  
25 on the basis of education, experience, and examination, has met the

1 requirements of the Engineers and Architects Regulation Act a  
2 certificate of licensure giving the licensee proper authority to  
3 carry out the prerogatives of the act. If a professional engineer's  
4 license has been issued in a specific discipline, the discipline  
5 shall be specified on the certificate of licensure. The certificate  
6 of licensure shall carry the designation Licensed Architect or  
7 Licensed Professional (discipline) Engineer. The certificate shall  
8 give the full name of the licensee and license number and shall be  
9 signed by the chairperson of the board, the secretary of the board,  
10 and ~~a one other board member, representing the respective profession~~  
11 ~~under the seal of the board.~~

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

16 ~~(3)(a) Each licensee authorized to practice architecture~~  
17 ~~or engineering must obtain a seal. The design of the seal shall be~~  
18 ~~determined by the board. The following information shall be on the~~  
19 ~~seal: State of Nebraska; licensee's name; licensee's license number;~~  
20 ~~and the words Architect or Professional (discipline) Engineer.~~

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

24 ~~(c) The seal and the date of its placement shall be on~~  
25 ~~all technical submissions and calculations whenever presented to a~~

1 ~~client or any public or governmental agency. It shall be unlawful for~~  
2 ~~a licensee to affix his or her seal or to permit his or her seal to~~  
3 ~~be affixed to any document after the expiration of the certificate or~~  
4 ~~for the purpose of aiding or abetting any other person to evade or~~  
5 ~~attempt to evade the act.~~

6 ~~(d) The seal and date shall be placed on all originals,~~  
7 ~~copies, tracings, or other reproducible drawings and the first and~~  
8 ~~last pages of specifications, reports, and studies in such a manner~~  
9 ~~that the seal, signature, and date will be reproduced and be in~~  
10 ~~compliance with rules and regulations of the board. The application~~  
11 ~~of the licensee's seal shall constitute certification that the work~~  
12 ~~was done by the licensee or under the licensee's control. In the case~~  
13 ~~of multiple sealings, the first or title page shall be sealed and~~  
14 ~~dated by all involved. In addition, each sheet shall be sealed and~~  
15 ~~dated by the licensee responsible for each sheet. In the case of an~~  
16 ~~organization, each sheet shall be sealed and dated by the licensee~~  
17 ~~involved. The architect or professional engineer in responsible~~  
18 ~~charge shall seal and date the title or first sheet.~~

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

23 ~~(f) Projects involving more than one licensed architect~~  
24 ~~or professional engineer shall have one designated as the~~  
25 ~~coordinating professional. The coordinating professional shall apply~~

1 ~~his or her seal and the date to the cover sheet of all documents and~~  
2 ~~denote the seal as that of the coordinating professional.~~

3 ~~(4)-(3) The board shall issue to any applicant who, in~~  
4 ~~the opinion of the board, on the basis of education and examination,~~  
5 ~~has met the requirements of the act an enrollment card as engineer-~~  
6 ~~intern which indicates that his or her name has been recorded as such~~  
7 ~~in the board office. Engineers and Architects Regulation Act a~~  
8 ~~certificate of enrollment as an engineer-intern. The engineer-intern~~  
9 ~~enrollment card certificate does not authorize the holder to practice~~  
10 ~~as a professional engineer.~~

11 Sec. 36. (1) Each licensee authorized to practice  
12 architecture or engineering must obtain a seal. The design of the  
13 seal shall be determined by the board. If a professional engineer's  
14 license has been issued in a specific discipline, the discipline  
15 shall be specified on the seal. The following information shall be on  
16 the seal: State of Nebraska; licensee's name; licensee's license  
17 number; and the words Architect or Professional (discipline)  
18 Engineer.

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

22 (3) The seal and the date of its placement shall be on  
23 all technical submissions and calculations whenever presented to a  
24 client or any public or governmental agency. It shall be unlawful for  
25 a licensee to affix his or her seal or to permit his or her seal to

1 be affixed to any document after the expiration of the certificate or  
2 for the purpose of aiding or abetting any other person to evade or  
3 attempt to evade the Engineers and Architects Regulation Act.

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

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

15 Sec. 37. (1) Projects involving more than one licensed  
16 architect or professional engineer shall have an architect or  
17 professional engineer designated as the coordinating professional for  
18 the entire project. The coordinating professional may, but need not,  
19 provide architectural or engineering services on the project. The  
20 coordinating professional shall apply his or her seal in accordance  
21 with the Engineers and Architects Regulation Act to the cover sheet  
22 of all documents and denote the seal as that of the coordinating  
23 professional.

24 (2) The coordinating professional shall be responsible  
25 for reviewing and coordinating technical documents prepared by others

1 for compatibility with the design of the project.

2 (3) Notwithstanding the provisions of section 81-3408, a  
3 licensed professional landscape architect may act as the coordinating  
4 professional when the majority of the project encompasses the  
5 practice of professional landscape architecture as defined in the  
6 Professional Landscape Architects Act.

7 Sec. 38. Section 81-3438, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 81-3438 Certificates of licensure and certificates of  
10 authorization shall expire on a date established by the board and  
11 shall become invalid after that date unless renewed. ~~The secretary of~~  
12 ~~the board shall notify every person licensed under the Engineers and~~  
13 ~~Architects Regulation Act and every organization holding a~~  
14 ~~certificate of authorization under the act of the date of the~~  
15 ~~expiration of the certificate of licensure or certificate of~~  
16 ~~authorization and the amount of the fee required for renewal. The~~  
17 ~~notice shall be mailed at least one month in advance of the date of~~  
18 ~~the expiration to the licensee or organization at the last-known~~  
19 ~~address on file with the board. Valid certificates may be renewed~~  
20 ~~prior to expiration at least one month in advance of the date of the~~  
21 ~~expiration. Renewal may be effected at any time prior to or during~~  
22 ~~the period established by the board upon application and payment of a~~  
23 ~~renewal fee. The fee shall not exceed two hundred dollars per year.~~  
24 ~~Renewal of an expired certificate applicable fees. Expired~~  
25 ~~certificates may be effected under renewed in accordance with rules~~

1 and regulations of the board. Renewal fees shall not exceed two  
2 hundred dollars per year. regarding requirements for reexamination  
3 and for penalty fees. The board may adopt a program of require  
4 individual licensees to obtain continuing education for individual  
5 licensees. as a condition of license renewal.

6 Sec. 39. Section 81-3441, Revised Statutes Cumulative  
7 Supplement, 2012, is amended to read:

8 81-3441 Except as provided in sections ~~81-3413~~ to  
9 81-3414, 81-3415, 81-3449, and 81-3453, an individual shall not  
10 directly or indirectly engage in the practice of architecture or  
11 engineering in the state or use the title architect or professional  
12 engineer or display or use any words, letters, figures, titles, sign,  
13 card, advertisement, or other symbol or device indicating or tending  
14 to indicate that he or she is an architect or professional engineer  
15 or is practicing architecture or engineering unless he or she is  
16 licensed under the Engineers and Architects Regulation Act. A  
17 licensee shall not aid or abet any person not licensed under the act  
18 in the practice of architecture or engineering.

19 Sec. 40. Section 81-3442, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21 81-3442 ~~Any person who performs any of the following~~  
22 ~~actions is guilty of a Class I misdemeanor for the first offense and~~  
23 ~~a Class IV felony for the second or any subsequent offense:~~

24 (1) It is unlawful for any person to:

25 ~~(1) Practices (a) Practice or offers offer to practice~~

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

4 ~~(2)~~ (b) Knowingly and intentionally ~~employs~~ employ or  
5 ~~retains~~ retain a person to practice architecture or engineering in  
6 this state who is not licensed in accordance with the act, except as  
7 provided in sections ~~81-3413 to~~ 81-3414 and 81-3415, and who is not  
8 exempted by ~~sections~~ section 81-3449 and or 81-3453;

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

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

17 ~~(4)~~ (e) Present or ~~attempts~~ attempt to use the  
18 certificate of licensure or the seal of another person;

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

22 ~~(6)~~ (g) Falsely ~~impersonates~~ impersonate any other  
23 licensee of like or different name;

24 ~~(7)~~ (h) Attempt to use an expired, suspended,  
25 revoked, or nonexistent certificate of licensure or ~~who practices~~

1 practice or offers offer to practice when not qualified;

2 ~~(8)-(i) Falsely elaims claim~~ that he or she is licensed  
3 or authorized under the act; or

4 ~~(9) Violates (j) Violate~~ the act.

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

9 Sec. 41. Section 81-3443, Revised Statutes Cumulative  
10 Supplement, 2012, is amended to read:

11 81-3443 (1) A complaint against any person or  
12 organization involving any matter coming within the jurisdiction of  
13 the board shall be in writing and shall be filed with the board.

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

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

1 days before the hearing.

2           (4) If after the hearing the board finds the accused has  
3 violated the Engineers and Architects Regulation Act or any rules or  
4 regulations, it may issue any order or take any action described in  
5 section 81-3444. If the order revokes, suspends, or cancels a  
6 license, the board shall notify, in writing, the Secretary of State.  
7 If the board finds no violation, it shall enter an order dismissing  
8 the complaint. ~~If the order revokes, suspends, or cancels a license,~~  
9 ~~the board shall notify, in writing, the Secretary of State and the~~  
10 ~~clerk of the city or village in the state where the person or~~  
11 ~~organization has a place of business, if any.~~

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

16           Sec. 42. Section 81-3444, Revised Statutes Cumulative  
17 Supplement, 2012, is amended to read:

18           81-3444 (1) The board, ~~may after hearing, by majority~~  
19 ~~vote, take any or all of the following actions, and upon proof~~  
20 ~~satisfactory to the board, may determine by two-thirds majority vote~~  
21 that any person or organization has violated the Engineers and  
22 Architects Regulation Act or any rules or regulations.

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

1 vote of the board:

2 (a) Issuance of censure or reprimand;

3 (b) Suspension of judgment;

4 (c) Placement of the offender on probation;

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

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

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

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

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

20 (i) Dismissal of the action.

21 ~~(2) In hearings under this section, the~~ (3) The board may  
22 take into account suitable evidence of reform when determining  
23 appropriate action.

24 ~~(3)-(4)~~ Civil penalties collected under subdivision ~~(1)~~  
25 ~~(e)-(2)(e)~~ of this section shall be remitted to the State Treasurer

1 for distribution in accordance with Article VII, section 5, of the  
2 Constitution of Nebraska. All costs collected under subdivision ~~(1)~~  
3 ~~(h)~~~~(2)(h)~~ of this section shall be remitted to the State Treasurer  
4 for credit to the Engineers and Architects Regulation Fund.

5 Sec. 43. Section 81-3446, Revised Statutes Cumulative  
6 Supplement, 2012, is amended to read:

7 81-3446 (1) A project on private land is subject to the  
8 provisions of the Engineers and Architects Regulation Act unless  
9 exempt under section 81-3449 or 81-3453.

10 ~~(1)~~~~(2)~~ The owner of any real property who allows a  
11 project to be constructed on his or her real property is engaged in  
12 the practice of architecture or engineering unless he or she employs  
13 or causes others to employ licensed professionals or persons under  
14 the direct supervision of licensed professionals to furnish at least  
15 minimum construction phase services with respect to the project or is  
16 exempt from the Engineers and Architects Regulation Act under  
17 sections 81-3449 and 81-3453.

18 ~~(2)~~~~(3)~~ For purposes of this section:

19 (a) Construction phase service includes at least the  
20 following services: (i) Visiting the project site on a regular basis  
21 as is necessary to determine that the work is proceeding generally in  
22 accordance with the technical submissions submitted to the building  
23 official at the time the project permit was issued; and (ii)  
24 processing technical submissions required of the contractor by the  
25 terms of contract documents. The term does not include supervision of

1 construction, review of payment applications, resolution of disputes  
2 between the owner and contractor, and other such items which are  
3 considered additional construction administration services which the  
4 owner may or may not elect to include in the architect's or  
5 engineer's scope of work; and

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

15 Sec. 44. (1) Before issuing a building permit, a building  
16 official shall assure (a) that the application for such building  
17 permit is accompanied by a set of plans bearing the seal of a  
18 licensed architect or professional engineer, in accordance with the  
19 Engineers and Architects Regulation Act, or (b) that the person  
20 presenting the application establishes that the project is exempt  
21 under the act.

22 (2) A building official should promptly notify the board  
23 if he or she discovers that a building project is being designed or  
24 constructed in violation of the act. No building official shall have  
25 any liability as a result of his or her failure to notify the board

1 that a nonexempt building project is being constructed without the  
2 required set of sealed plans.

3 (3) Nothing in this section shall limit or otherwise  
4 interfere with the ability of a building official to reject an  
5 application for a building permit.

6 Sec. 45. Section 81-3448, Revised Statutes Cumulative  
7 Supplement, 2012, is amended to read:

8 ~~81-3448 (1) A person applying to the Board of Engineers~~  
9 ~~and Architects for initial licensure as an architect shall submit an~~  
10 ~~application accompanied by the fee established by the board and~~  
11 ~~satisfactory evidence that he or she holds a degree in architecture~~  
12 ~~accredited by the National Architectural Accrediting Board and that~~  
13 ~~he or she has completed practical training in architectural work as~~  
14 ~~required by the Board of Engineers and Architects. If an applicant is~~  
15 ~~qualified, the Board of Engineers and Architects shall, by means of a~~  
16 ~~written or electronic examination, examine the applicant on technical~~  
17 ~~and professional subjects as prescribed by the board. None of the~~  
18 ~~examination materials shall be considered public records. The board~~  
19 ~~may exempt from the written examination an applicant who holds a~~  
20 ~~certification issued by the National Council of Architectural~~  
21 ~~Registration Boards. The Board of Engineers and Architects may adopt~~  
22 ~~guidelines published from time to time by the National Council of~~  
23 ~~Architectural Registration Boards. The Board of Engineers and~~  
24 ~~Architects may also adopt the examinations and grading procedures of~~  
25 ~~the National Council of Architectural Registration Boards and the~~

1 ~~accreditation decisions of the National Architectural Accrediting~~  
2 ~~Board. The Board of Engineers and Architects shall issue a~~  
3 ~~certificate of licensure to each applicant who is found to be of good~~  
4 ~~moral character and who satisfies the requirements set forth in this~~  
5 ~~section. Licensure shall be effective upon issuance.~~

6 ~~(2) A person applying for initial licensure who does not~~  
7 ~~hold a degree in architecture accredited by the National~~  
8 ~~Architectural Accrediting Board shall submit an application~~  
9 ~~accompanied by the fee established by the Board of Engineers and~~  
10 ~~Architects. The application shall demonstrate satisfactory evidence~~  
11 ~~of twelve years' combined architectural education and architectural~~  
12 ~~work experience, including the equivalent of the Intern Development~~  
13 ~~Program promulgated by the National Council of Architectural~~  
14 ~~Registration Boards. If an applicant is determined by the Board of~~  
15 ~~Engineers and Architects to meet this requirement, the board shall,~~  
16 ~~by means of a written or electronic examination, examine the~~  
17 ~~applicant on technical and professional subjects as prescribed by the~~  
18 ~~board. Only an individual who has earned a bachelor of science in~~  
19 ~~architectural studies degree with an architecture emphasis prior to~~  
20 ~~December 31, 1999, may be considered under this subsection.~~

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

25 ~~(a) Graduation from a program accredited by the National~~

1 Architectural Accrediting Board, or satisfying the requirements of  
2 the Education Standard of the National Council of Architectural  
3 Registration Boards as determined by the council;

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

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

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

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

16 (b) Completion of the Intern Development Program of the  
17 National Council of Architectural Registration Boards, or its  
18 equivalent as established by the board;

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

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

25 (3) An individual holding a license to practice

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

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

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

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

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

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

23 (5) An individual who has been licensed to practice  
24 architecture for fifteen years or more in one or more jurisdictions  
25 and who has practiced architecture for fifteen years in compliance

1 with the licensing laws in the jurisdictions where his or her  
2 architectural practice has occurred since initial licensure may, upon  
3 application, be licensed as an architect after:

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

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

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

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

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

22 (9) Licensure shall be effective upon issuance.

23 Sec. 46. Section 81-3449, Revised Statutes Cumulative  
24 Supplement, 2012, is amended to read:

25 81-3449 The provisions of the Engineers and Architects

1 Regulation Act regulating the practice of architecture do not apply  
2 to the following activities:

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

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

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

10           (4) Any public works project with contemplated  
11 expenditures for a completed project that do not exceed one hundred  
12 thousand dollars. The board shall adjust the dollar amount in this  
13 subdivision every fifth year. The first such adjustment after August  
14 27, 2011, shall be effective on July 1, 2014. The adjusted amount  
15 shall be equal to the then current amount adjusted by the cumulative  
16 percentage change in the Consumer Price Index for All Urban Consumers  
17 published by the Federal Bureau of Labor Statistics for the five-year  
18 period preceding the adjustment date. The amount shall be rounded to  
19 the next highest one-thousand-dollar amount;

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

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

1 Board;

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

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

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

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

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

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

1 ~~organization; and~~

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

5 ~~(10)~~(9) A public service provider or an organization who  
6 employs a ~~design professional~~ licensee performing professional  
7 services for itself;

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

22 ~~(12)~~(11) The practice by a qualified member of another  
23 legally recognized profession who is otherwise licensed or certified  
24 by this state or any political subdivision to perform services  
25 consistent with the laws of this state, the training, and the code of

1 ethics of the respective profession, if such qualified member does  
2 not represent himself or herself to be practicing architecture and  
3 does not represent himself or herself to be an architect;

4 ~~(13)~~(12) Financial institutions making disbursements of  
5 funds in connection with construction projects;

6 ~~(14)~~(13) Earthmoving and related work associated with  
7 soil and water conservation practices performed on farmland or any  
8 land owned by a political subdivision that is not subject to a permit  
9 from the Department of Natural Resources or for work related to  
10 livestock waste facilities that are not subject to a permit by the  
11 Department of Environmental Quality; and

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

19 Sec. 47. Section 81-3450, Revised Statutes Supplement,  
20 2013, is amended to read:

21 81-3450 ~~An architect shall not affix his or her signature~~  
22 ~~or seal to technical submissions unless they were prepared by the~~  
23 ~~architect or under his or her direct supervision, except that in the~~  
24 ~~case of the portions of such technical submissions prepared under the~~  
25 ~~direct supervision of another architect employed by the first~~

1 ~~architect or by his or her firm, he or she may affix his or her~~  
2 ~~signature or seal to those portions of the technical submissions if~~  
3 ~~the architect has reviewed such portions and has coordinated their~~  
4 ~~preparation or integrated them into his or her work. He or she may~~  
5 ~~affix his or her signature or seal to those portions of the technical~~  
6 ~~submissions that are not required by the Engineers and Architects~~  
7 ~~Regulation Act to be prepared by or under the direct supervision of~~  
8 ~~an architect if the architect has reviewed or adapted in whole or in~~  
9 ~~part such submissions and integrated them into his or her work.~~

10 (1) An architect may affix his or her seal and signature  
11 to technical submissions that are subject to the Engineers and  
12 Architects Regulation Act only if the technical submissions were:

13 (a) Prepared entirely by the architect;

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

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

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

23 Sec. 48. Section 81-3451, Revised Statutes Cumulative  
24 Supplement, 2012, is amended to read:

25 81-3451 (1) ~~To be eligible for admission to examination~~

1 to be a professional engineer or engineer intern, an applicant must  
2 be of good moral character and reputation and shall submit five  
3 references with his or her application for licensure as a  
4 professional engineer or enrollment as an engineer intern. Three of  
5 the references shall be professional engineers having personal  
6 knowledge of the applicant's engineering experience or, in the case  
7 of an application for enrollment as an engineer intern, character  
8 references.

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

18           (b) A person holding an active Council Record with the  
19 National Council of Examiners for Engineering and Surveying whose  
20 qualifications as evidenced by the Council Record meet the  
21 requirements of the act may, upon application, be licensed as a  
22 professional engineer after passing an examination testing the  
23 applicant's knowledge of the applicable statutes and rules and  
24 regulations unique to the State of Nebraska.

25           (c) A graduate of an ABET-accredited engineering

1 curriculum, enrolled as an engineer intern, and having a specific  
2 record of an additional four years or more of progressive post-  
3 accredited degree experience on engineering projects of a grade and a  
4 character which indicates to the Board of Engineers and Architects  
5 that the applicant may be competent to practice engineering shall be  
6 admitted to an examination of at least eight hours in length,  
7 administered by the board, on the principles and practice of  
8 engineering. Upon passing the examination, the applicant shall be  
9 granted a certificate of licensure to practice engineering in this  
10 state if the applicant is otherwise qualified. Engineering teaching  
11 of advanced subjects and the design of engineering research and  
12 projects in a college or university offering an ABET accredited  
13 engineering curriculum of four years or more may be considered as  
14 engineering experience. An applicant who does not hold an ABET-  
15 accredited engineering degree but who is enrolled as an engineer-  
16 intern in this state and has a specific record of an additional six  
17 years or more of progressive experience on engineering projects of a  
18 grade and a character which indicates to the Board of Engineers and  
19 Architects that the applicant may be competent to practice  
20 engineering shall be admitted to an examination of at least eight  
21 hours in length, administered by the board, in the principles and  
22 practice of engineering. Upon passing the examination, the applicant  
23 shall be granted a certificate of licensure to practice engineering  
24 in this state if otherwise qualified.

25 (3)(a) A graduate of or senior in an ABET accredited

1 ~~engineering curriculum, or the substantial equivalent as determined~~  
2 ~~by the board, shall be admitted to an eight hour examination on the~~  
3 ~~fundamentals of engineering. Upon passing the examination and~~  
4 ~~verification of graduation, the applicant shall be enrolled as an~~  
5 ~~engineer intern.~~

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

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

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

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

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

25 (d) Demonstration of good reputation and good ethical

1 character by attestation of references. The names and complete  
2 addresses of references acceptable to the board shall be included in  
3 the application for enrollment.

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

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

12 (ii) Passage of an examination in the fundamentals of  
13 engineering as accepted by the board;

14 (iii) Submittal of an application accompanied by the fee  
15 established by the board; and

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

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

1 qualify before admission to the examination.

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

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

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

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

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

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

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

1 the application for licensure; and

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

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

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

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

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

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

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

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

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

10           (11) Licensure shall be effective upon issuance.

11           Sec. 49. Section 81-3453, Revised Statutes Cumulative  
12 Supplement, 2012, is amended to read:

13           81-3453 The provisions of the Engineers and Architects  
14 Regulation Act regulating the practice of engineering do not apply to  
15 the following activities:

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

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

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

23           (4) Any public works project with contemplated  
24 expenditures for the completed project that do not exceed one hundred  
25 thousand dollars. The board shall adjust the dollar amount in this

1 subdivision every fifth year. The first such adjustment after August  
2 27, 2011, shall be effective on July 1, 2014. The adjusted amount  
3 shall be equal to the then current amount adjusted by the cumulative  
4 percentage change in the Consumer Price Index for All Urban Consumers  
5 published by the Federal Bureau of Labor Statistics for the five-year  
6 period preceding the adjustment date. The amount shall be rounded to  
7 the next highest one-thousand-dollar amount;

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

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

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

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

24 (9) The offer to practice engineering by a person not a  
25 resident of and having no established place of business in this state

1 if the person is legally qualified by licensure to practice  
2 engineering in his or her own state or country. The person shall make  
3 application to the board in writing and after payment of a fee  
4 established by the board may be granted a temporary permit for a  
5 definite period of time not to exceed one year to do a specific job.  
6 No right to practice engineering accrues to such applicant with  
7 respect to any other work not set forth in the permit;

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

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

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

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

1 waste facilities that are not subject to a permit by the Department  
2 of Environmental Quality;

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

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

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

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

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

10                   Sec. 50. Section 81-3454, Revised Statutes Supplement,  
11 2013, is amended to read:

12                   81-3454 ~~(1) A professional engineer shall not affix his~~  
13 ~~or her seal or signature to sketches, working drawings,~~  
14 ~~specifications, or other documents developed by others not under his~~  
15 ~~or her direct supervision, except that in the case of the portions of~~  
16 ~~such technical submissions prepared under the direct supervision of~~  
17 ~~another professional engineer employed by the first professional~~  
18 ~~engineer or by his or her firm, he or she may affix his or her~~  
19 ~~signature or seal to those portions of the technical submissions if~~  
20 ~~the professional engineer has reviewed such portions and has~~  
21 ~~coordinated their preparation or integrated them into his or her~~  
22 ~~work. He or she may affix his or her signature or seal to those~~  
23 ~~portions of the technical submissions that are not required by the~~  
24 ~~Engineers and Architects Regulation Act to be prepared by or under~~  
25 ~~the direct supervision of a professional engineer if the professional~~

1 ~~engineer has reviewed or adapted in whole or in part such submission~~  
2 ~~and integrated them into his or her work.~~

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

7 (1) A professional engineer may affix his or her seal and  
8 signature to technical submissions that are subject to the Engineers  
9 and Architects Regulation Act only if the technical submissions were:

10 (a) Prepared entirely by the professional engineer;

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

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

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

20 Sec. 51. Original sections 81-3402, 81-3404, 81-3407,  
21 81-3408, 81-3409, 81-3411, 81-3412, 81-3414, 81-3415, 81-3416,  
22 81-3418, 81-3420, 81-3421, 81-3422, 81-3423, 81-3425, 81-3427,  
23 81-3428, 81-3430, 81-3433, 81-3434, 81-3435, and 81-3438, Reissue  
24 Revised Statutes of Nebraska, sections 81-3401, 81-3403, 81-3405.01,  
25 81-3422.01, 81-3429, 81-3432, 81-3432.01, 81-3441, 81-3442, 81-3443,

1 81-3444, 81-3446, 81-3448, 81-3449, 81-3451, and 81-3453, Revised  
2 Statutes Cumulative Supplement, 2012, and sections 81-3436, 81-3437,  
3 81-3450, and 81-3454, Revised Statutes Supplement, 2013, are  
4 repealed.

5           Sec. 52. The following sections are outright repealed:  
6 Sections 81-3406, 81-3410, 81-3413, 81-3417, 81-3419, and 81-3424,  
7 Reissue Revised Statutes of Nebraska, and section 81-3452, Revised  
8 Statutes Cumulative Supplement, 2012.