

# State of Nebraska

## Professional Landscape Architects Act

Effective: July 19, 2012

### **81-8,183.01. Act, how cited.**

Sections 81-8,183.01 to 81-8,206 shall be known and may be cited as the Professional Landscape Architects Act.

**Source:** *Laws 1967, c. 565, § 25, p. 1867; Laws 1984, LB 477, § 15; R.S.1943, (2008), § 81-8,208; Laws 2012, LB1140, § 1.*

### **81-8,184. Terms, defined.**

For purposes of the Professional Landscape Architects Act, unless the context otherwise requires:

- (1) Professional landscape architect means a person who, by reason of his or her knowledge acquired by professional education or practical experience, or both, is qualified to engage in the practice of professional landscape architecture as provided in the act;
- (2) Practice of professional landscape architecture means the performance of professional services such as consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with projects involving the arranging of land and the elements thereon for public and private use and enjoyment, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools, and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape and aesthetic values, in accordance with accepted professional standards of public health, welfare, and safety. Practice of professional landscape architecture includes the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this subdivision but does not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities which are ordinarily included in the practice of engineering or architecture, or the making of land surveys or final land plats for official approval or recording. Nothing contained in the act shall preclude a duly licensed professional landscape architect from performing any of the services defined as practice of professional landscape architecture in this subdivision in connection with the settings, approaches, or environment for buildings, structures, or facilities. Nothing contained in the act shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, or land surveying. Nothing in the act shall prohibit any person, firm, or corporation or their officers, agents, or employees from preparing planting plans for plant materials in connection with the sale of nursery stock, plants, trees, shrubs, flowers, sod, or other plant material, outdoor decorative ornaments, seed, fertilizer, chemicals, gardening tools and equipment, and related items of merchandise or the propagation, planting, or growth of any indoor or outdoor plants; and
- (3) Board means the State Board of Landscape Architects created by the act.

**Source:** *Laws 1967, c. 565, § 1, p. 1860; Laws 1971, LB 98, § 1; Laws 2012, LB1140, § 2.*

### **81-8,184.01. Act; intent.**

It is the intent of the Legislature, through the Professional Landscape Architects Act, to safeguard the life, health, and property of the citizens of this state and to insure that the

# State of Nebraska

## Professional Landscape Architects Act

Effective: July 19, 2012

landscape architects serving the public meet minimum standards of proficiency and competency.

**Source:** *Laws 1984, LB 477, § 1.*

### **81-8,185. License required; display of certificate of licensure; current certificate holder; how treated.**

- (1) No person shall engage in the practice of professional landscape architecture or use or advertise any sign, title, or description tending to imply or designate that such a person is a professional landscape architect unless he or she is licensed as such as provided in the Professional Landscape Architects Act. Every licensee shall display his or her certificate of licensure in a conspicuous place at his or her place of business.
- (2) Any person holding a certificate of registration under the act as of July 19, 2012, shall be deemed to be duly licensed under the act until the expiration of such certificate.

**Source:** *Laws 1967, c. 565, § 2, p. 1861; Laws 1971, LB 98, § 2; Laws 2012, LB1140, § 3.*

### **81-8,186. State Board of Landscape Architects; members; appointment.**

There is hereby created a State Board of Landscape Architects consisting of six members who shall be appointed by the Governor. Five members of the board shall be professional landscape architects and one member shall be a layperson of the age of legal majority. All members shall have been residents of this state for at least one year immediately preceding their appointments.

**Source:** *Laws 1967, c. 565, § 3, p. 1861; Laws 1971, LB 98, § 3; Laws 1984, LB 477, § 3; Laws 2012, LB1140, § 4.*

### **81-8,187. Board; members; term.**

The term of office of the members appointed to the board shall be for five years and until their successors are appointed and qualified, except that of the members first appointed, one shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. The layperson appointed to the board shall serve a five-year term. As their terms expire, their successors shall be appointed for a term of five years.

**Source:** *Laws 1967, c. 565, § 4, p. 1862; Laws 1984, LB 477, § 4.*

### **81-8,188. Board; members; vacancies.**

Vacancies occurring in membership of the board shall be filled by appointment for the unexpired term.

**Source:** *Laws 1967, c. 565, § 5, p. 1862.*

### **81-8,189. Board; members; compensation; expenses.**

Members of the board shall serve without compensation except that they shall be reimbursed for their actual and necessary expenses incurred in the discharge of their duties pursuant to the Professional Landscape Architects Act as provided in sections 81-1174 to 81-1177.

**Source:** *Laws 1967, c. 565, § 6, p. 1862; Laws 1981, LB 204, § 183; Laws 2012, LB1140, § 5.*

# State of Nebraska

## Professional Landscape Architects Act

Effective: July 19, 2012

### **81-8,190. Board; chairperson; meetings; quorum; personnel; employ.**

The board shall elect annually from its members a chairperson and a vice-chairperson. The board shall meet at least once a year at a time and place fixed by the board. Three members shall constitute a quorum. The board may employ such technical and clerical assistants and incur such expense as may be necessary to properly carry out the Professional Landscape Architects Act.

*Source: Laws 1967, c. 565, § 7, p. 1862; Laws 2012, LB1140, § 6.*

### **81-8,191. Board; powers; Attorney General provide counsel.**

The board shall be entitled to the counsel and to the services of the Attorney General and shall have power to compel the attendance of witnesses, pay witness fees and mileage as provided in section 81-1176 for state employees, and may take testimony and proofs and may administer oaths concerning any matter within its jurisdiction.

*Source: Laws 1967, c. 565, § 8, p. 1862; Laws 1981, LB 204, § 184.*

### **81-8,191.01. Board; powers; rules and regulations; conflict of interest.**

The board may adopt and promulgate rules and regulations which are needed in performing its duties. Such rules and regulations include, but are not limited to, a definition of conflict of interest for board members and the appropriate procedure to follow when a conflict arises. The rules and regulations or a code of professional conduct developed by the board shall also include definitions of or a list of specific practices which constitute fraud, deceit, gross negligence, incompetence, or misconduct and the punishments for such practices which shall be used as the basis to place a professional landscape architect on probation or revoke or suspend a license pursuant to section 81-8,202.

*Source: Laws 1984, LB 477, § 14; Laws 2012, LB1140, § 7.*

### **81-8,192. Board; certificates of licensure; list; filing.**

The board shall keep on file a record of all certificates of licensure granted and shall make annual revisions of such record as may be necessary. On or before January 31 of each year, the board shall file with the Secretary of State a complete list of those licensed under the Professional Landscape Architects Act with their addresses and the dates of licensure.

*Source: Laws 1967, c. 565, § 9, p. 1862; Laws 1981, LB 545, § 31; Laws 2012, LB1140, § 8.*

### **81-8,193. Board; seal; adopt.**

The board shall adopt and have an official seal which shall be affixed to all certificates of licensure granted and may adopt and promulgate rules and regulations necessary for the proper performance of such duty.

*Source: Laws 1967, c. 565, § 10, p. 1863; Laws 2012, LB1140, § 9.*

### **81-8,194. Board; fees; disposition; State Board of Landscape Architects Cash Fund; created; investment.**

(1) The board shall establish fees of not less than one hundred nor more than three hundred dollars for applications for licensure, examinations, certificates of licensure, reciprocal

# State of Nebraska

## Professional Landscape Architects Act

Effective: July 19, 2012

licenses, and renewals based on the administration costs incurred by the board. The board shall collect, account for, and remit such fees to the State Treasurer for credit to the State Board of Landscape Architects Cash Fund which is hereby created.

- (2) Transfers may be made from the State Board of Landscape Architects Cash Fund to the General Fund at the direction of the Legislature. Any money in the State Board of Landscape Architects Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

**Source:** *Laws 1967, c. 565, § 11, p. 1863; Laws 1971, LB 98, § 4; Laws 1984, LB 477, § 5; Laws 2007, LB396, § 1; Laws 2009, First Spec. Sess., LB3, § 70; Laws 2012, LB1140, § 10.*

### **81-8,195. Applications for licensure; statements; fee.**

Applications for licensure shall be on forms prescribed and furnished by the board and shall contain statements made under oath showing the applicant's education and a detailed summary of his or her technical work. Applications for licensure shall be accompanied by an application fee in an amount determined by the board.

**Source:** *Laws 1967, c. 565, § 12, p. 1863; Laws 1984, LB 477, § 6; Laws 2012, LB1140, § 11.*

### **81-8,196. Applicant for licensure; requirements.**

Each applicant for licensure as a professional landscape architect shall complete an application that includes the following requirements:

- (1) Proof that the applicant has met the eligibility standards set by the board in rules and regulations adopted and promulgated by the board in consultation with the Council of Landscape Architectural Registration Boards;
- (2) Successful passage of a written or electronic examination in landscape architecture which is designed to determine the proficiency and qualifications to engage in the practice of professional landscape architecture; and
- (3) That the applicant is of good character.

**Source:** *Laws 1967, c. 565, § 13, p. 1863; Laws 1974, LB 811, § 20; Laws 1997, LB 752, § 224; Laws 2012, LB1140, § 12.*

### **81-8,197. Applicants; examination.**

Examinations shall be administered by the board or the Council of Landscape Architectural Registration Boards at times to be set by the board in consultation with the council.

**Source:** *Laws 1967, c. 565, § 14, p. 1864; Laws 1984, LB 477, § 7; Laws 2012, LB1140, § 13.*

### **81-8,198. Licensee; seal; use; effect.**

Each licensee shall provide himself or herself with a suitable seal with a uniform inscription thereon formulated by the board with which he or she shall stamp all plans, specifications, and reports prepared by him or her. The following shall be stated on the seal: State of Nebraska, the licensee's name, the license number, and Professional Landscape Architect. A license shall be presumptive evidence that the person named therein is legally licensed.

**Source:** *Laws 1967, c. 565, § 15, p. 1864; Laws 2012, LB1140, § 14.*

# State of Nebraska

## Professional Landscape Architects Act

Effective: July 19, 2012

### **81-8,199. Certificate of licensure; annual fee, payment; issuance.**

The board shall issue a certificate of licensure to each successful applicant upon payment of the annual fee. Each certificate shall be signed by two members of the board under the seal of the board. The certificate shall authorize the applicant to practice professional landscape architecture.

*Source: Laws 1967, c. 565, § 16, p. 1864; Laws 1984, LB 477, § 8; Laws 2012, LB1140, § 15.*

### **81-8,200. Certificate of licensure; fee; expiration; notice.**

Certificates of licensure shall expire on the last day of December following their issuance or renewal and shall become invalid on that date unless renewed before the expiration date with the payment of a fee in an amount the board shall determine. The board shall notify every licensee of the expiration date of his or her certificate and the amount of the annual renewal fee at least one month in advance. The fee to be paid for the renewal of a certificate after December 31 shall be increased by ten percent for each month or fraction of a month such payment is delayed, except that the maximum fee for a delayed renewal shall not exceed twice the amount of the original renewal fee and no renewals shall be made after a lapse of one year after the original expiration date thereof. Renewal fees shall not be required while the professional landscape architect is on active duty with the armed forces of the United States. Application for renewal of a lapsed license shall be in the same manner as provided for an original application pursuant to section 81-8,196.

*Source: Laws 1967, c. 565, § 17, p. 1865; Laws 1984, LB 477, § 9; Laws 2012, LB1140, § 16.*

#### **81-8,200.01. Certificate of licensure; renewal; professional development requirements.**

- (1) As a condition for renewal of a certificate of licensure issued pursuant to the Professional Landscape Architects Act, a licensee shall be required to successfully complete fifteen hours of professional development within the preceding calendar year.
- (2) The board shall not renew the certificate of licensure of any licensee who has failed to complete the professional development requirements pursuant to subsection (1) of this section, unless he or she can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the licensee to make up all outstanding required hours of professional development.

*Source: Laws 1984, LB 477, § 12; Laws 2012, LB1140, § 17.*

#### **81-8,200.02. Professional development programs; rules and regulations.**

The board shall adopt and promulgate rules and regulations as are necessary for the effective delivery and licensure of all programs of professional development required in section 81-8,200.01.

*Source: Laws 1984, LB 477, § 13; Laws 2012, LB1140, § 18.*

### **81-8,201. License without examination; when; fee.**

The board may license without examination any applicant who is legally licensed or registered as a professional landscape architect in any other state, territory, or country whose requirements for licensure or registration are at least substantially equivalent to or higher than

# State of Nebraska

## Professional Landscape Architects Act

Effective: July 19, 2012

the requirements of the Professional Landscape Architects Act and which extends the same privileges of reciprocity to professional landscape architects licensed in this state and who has actively practiced for at least one of the three years immediately preceding the application for licensure without examination. The application for reciprocal licensure shall be accompanied by a fee in an amount the board shall determine.

**Source:** *Laws 1967, c. 565, § 18, p. 1865; Laws 1984, LB 477, § 10; Laws 2012, LB1140, § 19.*

### **81-8,202. License; probation, revocation, or suspension; appeal.**

The board may by a four-fifths vote of the entire board place a licensed professional landscape architect on probation or revoke or suspend the license of any professional landscape architect licensed under the Professional Landscape Architects Act whom it finds guilty of (1) deceit in obtaining a license, (2) fraud, (3) gross negligence, (4) incompetency, or (5) misconduct in the practice of professional landscape architecture. Such person shall have the right to appeal the revocation or suspension of his or her license, and the appeal shall be in accordance with the Administrative Procedure Act.

**Source:** *Laws 1967, c. 565, § 19, p. 1865; Laws 1971, LB 98, § 5; Laws 1984, LB 477, § 11; Laws 1988, LB 352, § 171; Laws 2012, LB1140, § 20.*

### **81-8,203. Warrants for payment of expenses and compensation; issuance.**

Warrants for the payment of expenses and compensation provided by the Professional Landscape Architects Act shall be issued by the Director of Administrative Services upon presentation of vouchers drawn by the chairperson, but at no time shall the total amount of warrants exceed the total amount of fees collected as provided by the act.

**Source:** *Laws 1967, c. 565, § 20, p. 1866; Laws 1967, c. 574, § 1, p. 1897; Laws 2012, LB1140, § 21.*

### **81-8,204. Certificate of licensure; required; violation; injunction.**

No person shall practice as a professional landscape architect or in any manner designate himself or herself as a professional landscape architect unless he or she has been issued a certificate of licensure pursuant to the Professional Landscape Architects Act. If such person does practice or attempt to practice under the designation of professional landscape architect, he or she may be restrained under permanent injunction.

**Source:** *Laws 1967, c. 565, § 21, p. 1866; Laws 1971, LB 98, § 6; Laws 2012, LB1140, § 22.*

### **81-8,205. Injunction; prohibited acts; violation; penalty.**

Any person who violates a permanent injunction obtained pursuant to section 81-8,204, presents or attempts to file as his or her own the certificate of licensure of another, gives false or forged evidence of any kind to the board in obtaining a certificate of licensure, indorses any document which he or she did not actually prepare or supervise the preparation thereof, falsely impersonates another practitioner of like or different name, or uses a revoked certificate of licensure shall be deemed guilty of a Class III misdemeanor.

**Source:** *Laws 1967, c. 565, § 22, p. 1866; Laws 1977, LB 39, § 300; Laws 2012, LB1140, § 23.*

# State of Nebraska

## Professional Landscape Architects Act

Effective: July 19, 2012

### **81-8,206. Persons exempt from act.**

The Professional Landscape Architects Act shall not apply to:

- (1) Any person who is an employee of a licensed professional landscape architect and who performs landscape architectural work under the direction and supervision of a licensed professional landscape architect, but such work does not include responsible change of design or administration of construction contracts;
- (2) Any full-time employee who performs landscape architectural work for his or her employer when all such work is in connection with a facility owned or operated by the employer and when such work does not endanger the public welfare, health, and safety, and when the service is not offered to the public;
- (3) Any architect or professional engineer, but such architect or engineer may not use the title landscape architect or professional landscape architect unless he or she is licensed pursuant to the act; or
- (4) Any person who seeks advice or help of any other person in planning, planting, or maintaining the planting or conservation work on any property he or she owns or controls or who does such things himself or herself.

**Source:** *Laws 1967, c. 565, § 23, p. 1866; Laws 1971, LB 98, § 7; Laws 1997, LB 622, § 119; Laws 2012, LB1140, § 24.*

**81-8,207. Repealed. Laws 1971, LB 98, § 8.**

**81-8,208. Transferred to section 81-8,183.01.**