

AMENDMENTS TO LB30

Introduced by Government, Military and Veterans Affairs.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 81-8,183.01, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           81-8,183.01 Sections 81-8,183.01 to 81-8,206 and sections 2, 16, 17,  
6 and 19 shall be known and may be cited as the Professional Landscape  
7 Architects Act.

8           Sec. 2. To protect public health, safety, and welfare, the  
9 Professional Landscape Architects Act regulates the title and practice of  
10 landscape architecture in the State of Nebraska. No person may engage in  
11 the practice of landscape architecture, use the designation of  
12 professional landscape architect, landscape architect, or any derivative  
13 thereof, or advertise any title or description tending to convey the  
14 impression that he or she is a professional landscape architect, unless  
15 the person is authorized in the manner provided in the act and complies  
16 with all provisions of the act. The practice of landscape architecture is  
17 a privilege granted by the board, based on the qualifications of the  
18 individual, and evidenced by a license.

19           Sec. 3. Section 81-8,184, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21           81-8,184 For purposes of the Professional Landscape Architects Act,  
22 ~~unless the context otherwise requires:~~

23           (1) Board means the State Board of Landscape Architects;

24           (2) Coordinating professional means a design professional who  
25 coordinates, as appropriate, the work of all design professionals  
26 involved in a project;

27           (3) Design professional means a professional landscape architect, a

1 licensed architect, or a professional engineer;

2 (4) License means an authorization granted by the board to practice  
3 landscape architecture;

4 ~~(1) Professional landscape architect means a person who, by reason~~  
5 ~~of his or her knowledge acquired by professional education or practical~~  
6 ~~experience, or both, is qualified to engage in the practice of~~  
7 ~~professional landscape architecture as provided in the act;~~

8 (5) (2) Practice of professional landscape architecture means the  
9 application of the principles of mathematical, physical, biological, and  
10 social sciences in consultation, evaluation, planning, design, including,  
11 but not limited to, the preparation, review and filing of plans,  
12 drawings, specifications, and other contract documents, and  
13 administration of contracts relative to projects principally directed at  
14 the functional and aesthetic use and preservation of land in the  
15 performance of professional services. These professional services  
16 include, but are not limited to: performance of professional services  
17 such as consultations, investigations, reconnaissance, research,  
18 planning, design, or responsible supervision in connection with projects  
19 involving the arranging of land and the elements thereon for public and  
20 private use and enjoyment, including the alignment of roadways and the  
21 location of buildings, service areas, parking areas, walkways, steps,  
22 ramps, pools, and other structures, and the grading of the land, surface  
23 and subsoil drainage, erosion control, planting, reforestation, and the  
24 preservation of the natural landscape and aesthetic values, in accordance  
25 with accepted professional standards of public health, welfare, and  
26 safety. Practice of professional landscape architecture includes the  
27 location and arrangement of such tangible objects and features as are  
28 incidental and necessary to the purposes outlined in this subdivision but  
29 does not include the design of structures or facilities with separate and  
30 self-contained purposes for habitation or industry, the design of public  
31 streets and highways, utilities, storm and sanitary sewers, and sewage

1 ~~treatment facilities which are ordinarily included in the practice of~~  
2 ~~engineering or architecture, or the making of land surveys or final land~~  
3 ~~plats for official approval or recording. Nothing contained in the act~~  
4 ~~shall preclude a duly licensed professional landscape architect from~~  
5 ~~performing any of the services defined as practice of professional~~  
6 ~~landscape architecture in this subdivision in connection with the~~  
7 ~~settings, approaches, or environment for buildings, structures, or~~  
8 ~~facilities. Nothing contained in the act shall be construed as~~  
9 ~~authorizing a professional landscape architect to engage in the practice~~  
10 ~~of architecture, engineering, or land surveying. Nothing in the act shall~~  
11 ~~prohibit any person, firm, or corporation or their officers, agents, or~~  
12 ~~employees from preparing planting plans for plant materials in connection~~  
13 ~~with the sale of nursery stock, plants, trees, shrubs, flowers, sod, or~~  
14 ~~other plant material, outdoor decorative ornaments, seed, fertilizer,~~  
15 ~~chemicals, gardening tools and equipment, and related items of~~  
16 ~~merchandise or the propagation, planting, or growth of any indoor or~~  
17 ~~outdoor plants; and~~

18 (a) Investigation, selection, and allocation of land and natural  
19 resources for appropriate uses;

20 (b) Development of feasibility and site selection studies to govern  
21 the planning, design, and management of the land;

22 (c) Preparation, review, and analysis of land-use master, site, and  
23 comprehensive development plans and preliminary subdivision plans;

24 (d) Determining the location and siting of improvements, including  
25 buildings, site features, access, and environs for the improvements;

26 (e) Collaboration with architects, professional engineers, and  
27 registered land surveyors in the design of streets, highways, bridges,  
28 buildings, and structures with respect to the functional and aesthetic  
29 requirements of the area in which such facilities are to be placed;

30 (f) Preservation and management of natural, cultural, historic, and  
31 aesthetic resources;

1       (g) Design of: Sites, landforms, water features, and water bodies;  
2 site grading; surface and subsurface drainage and management; sediment  
3 and erosion control; non-inhabitable structures; park and recreation  
4 areas; site vehicular circulation systems, greenways, and streetscapes;  
5 equestrian, bicycle, and pedestrian circulation systems; site lighting,  
6 irrigation, plantings, and related construction details and  
7 specifications; and

8       (h) Location and arrangement of such tangible objects and features  
9 as are incidental and necessary to the purposes outlined in this section.  
10 Practice of landscape architecture does not include the design of  
11 structures or facilities with separate and self-contained purposes for  
12 habitation or industry, or the design of streets and highways, utilities,  
13 storm and sanitary sewers, and water and sewage treatment facilities,  
14 such as are exclusive to the practice of engineering, architecture, or  
15 land surveying; and

16       (6) Professional landscape architect or licensee means a person who  
17 is licensed by the board to practice landscape architecture.

18       ~~(3) Board means the State Board of Landscape Architects created by~~  
19 ~~the act.~~

20       Sec. 4. Section 81-8,186, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22       81-8,186 (1) There is hereby created a State Board of Landscape  
23 Architects consisting of six members who shall be appointed by the  
24 Governor. Five members of the board shall be professional landscape  
25 architects and one member shall be a member of the public layperson of  
26 the age of legal majority. All members shall have been residents of this  
27 state for at least one year immediately preceding their appointments.

28       (2) Each member shall be a citizen of the United States and shall  
29 have been a resident of the State of Nebraska for at least one year  
30 immediately preceding appointment.

31       (3) Each professional landscape architect member shall have been

1 engaged in the active practice of landscape architecture for at least  
2 five years at the time of his or her appointment and shall be a  
3 professional landscape architect in this state.

4 (4) The term of office of the members appointed to the board shall  
5 be for five years. A member shall hold office after the expiration of his  
6 or her term until his or her successor is duly appointed and qualified.  
7 Vacancies in the membership of the board, however created, shall be  
8 filled for the unexpired term by appointment by the Governor. The  
9 Governor may remove any member of the board for misconduct, incompetency,  
10 or neglect of duty.

11 Sec. 5. Section 81-8,191, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 81-8,191 The board and any committee of the board is entitled to the  
14 services of the Attorney General in the connection with the affairs of  
15 the board and may compel the attendance of witnesses, administer oaths,  
16 and take testimony and proofs concerning all matters within its  
17 jurisdiction. The Attorney General shall act as legal advisor to the  
18 board and render such legal assistance as may be necessary in carrying  
19 out the Professional Landscape Architects Act. The board may expend funds  
20 to promote licensure of professional landscape architects in this state  
21 subject to section 84-733 shall be entitled to the counsel and to the  
22 services of the Attorney General and shall have power to compel the  
23 attendance of witnesses, pay witness fees and mileage as provided in  
24 section 81-1176 for state employees, and may take testimony and proofs  
25 and may administer oaths concerning any matter within its jurisdiction.

26 Sec. 6. Section 81-8,191.01, Reissue Revised Statutes of Nebraska,  
27 is amended to read:

28 81-8,191.01 The board may adopt and promulgate rules and regulations  
29 to carry out the Professional Landscape Architects Act which are needed  
30 in performing its duties. Such rules and regulations may include, but are  
31 not be limited to, a definition of conflict of interest for board members

1 and the appropriate procedure to follow when a conflict arises. The rules  
2 and regulations or a code of professional conduct developed by the board  
3 shall also include definitions of or a list of specific practices which  
4 constitute fraud, deceit, gross negligence, incompetence, or misconduct  
5 and the punishments for such practices which shall be used as the basis  
6 to place a professional landscape architect on probation, ~~or~~ revoke or  
7 suspend a license, or impose a penalty pursuant to section 81-8,205 and  
8 sections 16 and 17 of this act pursuant to section 81-8,202.

9 Sec. 7. Section 81-8,192, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 81-8,192 The board shall maintain and make available to the public  
12 a complete roster of each professional landscape architect showing his or  
13 her name and last-known address. The board shall file the roster with the  
14 Secretary of State annually and may distribute a copy to each  
15 professional landscape architect as well as county and municipal  
16 officials ~~The board shall keep on file a record of all certificates of~~  
17 ~~licensure granted and shall make annual revisions of such record as may~~  
18 ~~be necessary. On or before January 31 of each year, the board shall file~~  
19 ~~with the Secretary of State a complete list of those licensed under the~~  
20 ~~Professional Landscape Architects Act with their addresses and the dates~~  
21 ~~of licensure.~~

22 Sec. 8. Section 81-8,194, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 81-8,194 (1) The board shall establish fees of no ~~not less than one~~  
25 ~~hundred nor~~ more than three hundred dollars for applications and initial  
26 certificates of licensure and annual renewals for services related to the  
27 Professional Landscape Architects Act for licensure, ~~examinations,~~  
28 ~~certificates of licensure, reciprocal licenses, and renewals~~ based on the  
29 administration costs incurred by the board. The board shall collect,  
30 account for, and remit such fees to the State Treasurer for credit to the  
31 State Board of Landscape Architects Cash Fund which is hereby created.

1 All fees are nonrefundable.

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

8 (3) Warrants for the payment of expenses and compensation as  
9 provided for in the Professional Landscape Architects Act shall be issued  
10 by the Director of Administrative Services and paid by the State  
11 Treasurer out of the State Board of Landscape Architects Cash Fund upon  
12 presentation of vouchers regularly drawn by the chairperson of the board  
13 and approved by the board. At no time shall the total amount of warrants  
14 exceed the total amount of fees collected under the act and credited to  
15 the fund.

16 Sec. 9. Section 81-8,196, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 81-8,196 (1) Applications for licensure as a professional landscape  
19 architect shall be on forms prescribed and furnished by the State Board  
20 of Landscape Architects. Each applicant for licensure as a professional  
21 landscape architect shall complete an application that includes the  
22 following requirements:

23 (2) Applicants who hold a landscape architecture degree accredited  
24 by the Landscape Architectural Accreditation Board or its equivalent as  
25 determined by the board may sit for the Landscape Architect Registration  
26 Examination as administered by the Council of Landscape Architectural  
27 Registration Boards. ~~(1) Proof that the applicant has met the eligibility~~  
28 standards set by the board in rules and regulations adopted and  
29 promulgated by the board in consultation with the Council of Landscape  
30 Architectural Registration Boards;

31 (3) The following shall be considered as the minimum evidence

1 satisfactory to the State Board of Landscape Architects that an applicant  
2 is eligible for initial licensure, upon application, as a professional  
3 landscape architect: (2) Successful passage of a written or electronic  
4 examination in landscape architecture which is designed to determine the  
5 proficiency and qualifications to engage in the practice of professional  
6 landscape architecture; and

7 (a) Submission of an application accompanied by the fee established  
8 by the board, in accordance with subsection (1) of section 81-8,194; (3)  
9 That the applicant is of good character.

10 (b) Submission of a council record maintained by the Council of  
11 Landscape Architectural Registration Boards;

12 (c) Graduation from a program accredited by the Landscape  
13 Architectural Accreditation Board or its equivalent as determined by the  
14 State Board of Landscape Architects;

15 (d) Passage of an examination on technical and professional subjects  
16 as prescribed by the board or its equivalent as determined by the board;

17 (e) A record of three years or more of diversified post-degree  
18 experience directly related to landscape architecture under the direct  
19 supervision of a professional landscape architect or equivalent  
20 experience as determined by the board; and

21 (f) One or more written professional references which shall be  
22 submitted by the applicant to the board.

23 (4) An individual holding a license to practice landscape  
24 architecture issued by a proper authority of any jurisdiction recognized  
25 by the board, based on credentials that do not conflict with subsection  
26 (3) of this section and other provisions of the Professional Landscape  
27 Architects Act, may, upon application, be licensed as a professional  
28 landscape architect after demonstration of good reputation and character.

29 (5) An individual who has been licensed to practice landscape  
30 architecture for fifteen years or more in one or more jurisdictions  
31 recognized by the board and who has practiced landscape architecture in



1 compliance with the licensing laws in the jurisdiction where his or her  
2 landscape architecture practice has occurred since initial licensure may,  
3 upon application, be licensed as a professional landscape architect after  
4 demonstration of good reputation and character.

5 (6) The board may accept the verified information contained in a  
6 valid council record issued by the Council of Landscape Architectural  
7 Registration Boards in lieu of the same information that is required on  
8 the form prescribed by the board.

9 (7) Examination materials shall not be considered public records.

10 (8) The board may adopt the examinations and grading procedures of  
11 the Council of Landscape Architectural Registration Boards. The board may  
12 also adopt guidelines published from time to time by the council.

13 (9) Licensure shall be effective upon issuance.

14 Sec. 10. Section 81-8,198, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 81-8,198 (1) Each licensee shall provide himself or herself with a  
17 suitable seal with a uniform inscription thereon formulated by the board  
18 with which he or she shall stamp all plans, specifications, and reports  
19 prepared by him or her when required. The following shall be stated on  
20 the seal: State of Nebraska, the licensee's name, the license number, and  
21 Professional Landscape Architect. ~~A license shall be presumptive evidence~~  
22 that the person named therein is legally licensed.

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

26 (3) The seal and date of its placement shall be on all technical  
27 submissions and calculations whenever presented to a client or any public  
28 or governmental agency. It shall be unlawful for a licensee to affix his  
29 or her seal and signature or to permit his or her seal and signature to  
30 be affixed to any document after the expiration of the certificate of  
31 licensure or for the purpose of aiding or abetting any other person to

1 evade or attempt to evade the Professional Landscape Architects Act.

2 (4) The seal and date shall be placed on final plans and  
3 specifications and reports as required in such a manner that the seal,  
4 signature, and date will be reproduced and be in compliance with rules  
5 and regulations of the board, if any. The application of the licensee's  
6 seal shall constitute certification that the work was done in accordance  
7 with the act.

8 (5) A landscape architect shall undertake to perform professional  
9 services only when the landscape architect is qualified by education,  
10 training, and experience in the specific technical areas involved.

11 Sec. 11. Section 81-8,199, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 81-8,199 (1) The board shall issue to any applicant who has met the  
14 requirements of the Professional Landscape Architects Act a certificate  
15 of licensure giving the licensee proper authority to carry out the  
16 prerogatives of the act. The certificate of licensure shall carry the  
17 designation Professional Landscape Architect. The certificate of  
18 licensure shall give the full name of the licensee and license number and  
19 shall be signed by two members of the board. The board shall issue a  
20 certificate of licensure to each successful applicant upon payment of the  
21 annual fee. Each certificate shall be signed by two members of the board  
22 under the seal of the board. The certificate shall authorize the  
23 applicant to practice professional landscape architecture.

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

28 (3) The board may issue a new certificate of licensure to replace  
29 any lost, destroyed, or mutilated certificate of licensure or issue a  
30 duplicate of any active certificate of licensure upon request from the  
31 licensee. A fee not to exceed fifty dollars, in accordance with

1 subsection (1) of section 81-8,194, may be charged for each such  
2 issuance.

3 (4) Any person holding a certificate of registration under the act  
4 as of the effective date of this act shall be deemed to be duly licensed  
5 under the act until the expiration of such certificate.

6 Sec. 12. Section 81-8,200, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 81-8,200 Certificates of licensure shall expire on a date  
9 established by the board and shall become invalid on that date unless  
10 renewed. In 2020, a licensee whose last name begins with a letter between  
11 the letters "A" and "L" shall renew his or her certificate of licensure  
12 for one year and a licensee whose last name begins with a letter between  
13 the letters "M" and "Z" shall renew his or her certificate of licensure  
14 for two years. Each subsequent renewal shall be for a two-year period.  
15 The board shall notify every person licensed under the Professional  
16 Landscape Architects Act of the expiration date of his or her certificate  
17 of licensure and the amount of the fee, in accordance with subsection (1)  
18 of section 81-8,194, required for renewal. The notice shall be sent at  
19 least one month in advance of the date of the expiration. Valid  
20 certificates of licensure may be renewed prior to expiration upon  
21 application and payment of applicable fees. The fee to be paid on an  
22 expired certificate of licensure the last day of December following their  
23 issuance or renewal and shall become invalid on that date unless renewed  
24 before the expiration date with the payment of a fee in an amount the  
25 board shall determine. The board shall notify every licensee of the  
26 expiration date of his or her certificate and the amount of the annual  
27 renewal fee at least one month in advance. The fee to be paid for the  
28 renewal of a certificate after December 31 shall be increased by ten  
29 percent for each month or fraction of a month such payment is delayed,  
30 except that the maximum fee for a delayed renewal shall not exceed twice  
31 the amount of the original renewal fee and no renewals shall be made

1 after one year after the expiration date, in accordance with subsection  
2 (1) of section 81-8,194. Expired licenses shall be renewed in accordance  
3 with the rules and regulations of the board. The board may require  
4 individual licensees to obtain professional development in accordance  
5 with the rules and regulations of the board a lapse of one year after the  
6 original expiration date thereof. Renewal fees shall not be required  
7 while the professional landscape architect is on active duty with the  
8 armed forces of the United States. Application for renewal of a lapsed  
9 license shall be in the same manner as provided for an original  
10 application pursuant to section 81-8,196.

11 Sec. 13. Section 81-8,202, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 81-8,202 The board shall enforce the Professional Landscape  
14 Architects Act and rules and regulations under the act, including  
15 enforcement against any unlicensed person. If any person refuses to obey  
16 any decision or order of the board, the board, or upon request of the  
17 board the Attorney General or the appropriate county attorney, shall file  
18 an action for the enforcement of the decision or order, including  
19 injunctive relief, in the district court. After a hearing the court shall  
20 order enforcement of the decision or order, or any part thereof, if  
21 legally and properly made by the board and, if appropriate, injunctive  
22 relief. The board may by a four-fifths vote of the entire board place a  
23 licensed professional landscape architect on probation or revoke or  
24 suspend the license of any professional landscape architect licensed  
25 under the Professional Landscape Architects Act whom it finds guilty of  
26 (1) deceit in obtaining a license, (2) fraud, (3) gross negligence, (4)  
27 incompetency, or (5) misconduct in the practice of professional landscape  
28 architecture. Such person shall have the right to appeal the revocation  
29 or suspension of his or her license, and the appeal shall be in  
30 accordance with the Administrative Procedure Act.

31 Sec. 14. Section 81-8,204, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       81-8,204 Except as provided in section 81-8,206, an individual  
3 shall not directly or indirectly engage in the practice of landscape  
4 architecture in this state or use the title of professional landscape  
5 architect or display or use any words, letters, figures, titles, signs,  
6 cards, advertisements, or other symbols or devices indicating or tending  
7 to indicate that he or she is a professional landscape architect or is  
8 practicing landscape architecture unless he or she is licensed under the  
9 Professional Landscape Architects Act. A licensee shall not aid or abet  
10 any person not licensed under the act in the practice of landscape  
11 architecture. No person shall practice as a professional landscape  
12 architect or in any manner designate himself or herself as a professional  
13 landscape architect unless he or she has been issued a certificate of  
14 licensure pursuant to the Professional Landscape Architects Act. If such  
15 person does practice or attempt to practice under the designation of  
16 professional landscape architect, he or she may be restrained under  
17 permanent injunction.

18       Sec. 15. Section 81-8,205, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20       81-8,205 (1) It is unlawful for any person to: Any person who  
21 violates a permanent injunction obtained pursuant to section 81-8,204,  
22 presents or attempts to file as his or her own the certificate of  
23 licensure of another, gives false or forged evidence of any kind to the  
24 board in obtaining a certificate of licensure, indorses any document  
25 which he or she did not actually prepare or supervise the preparation  
26 thereof, falsely impersonates another practitioner of like or different  
27 name, or uses a revoked certificate of licensure shall be deemed guilty  
28 of a Class III misdemeanor.

29       (a) Practice or offer to practice landscape architecture in this  
30 state without being licensed in accordance with the Professional  
31 Landscape Architects Act unless such practice or offer to practice is

1 otherwise exempt under the act;

2 (b) Knowingly and intentionally employ or retain a person to  
3 practice landscape architecture in this state who is not licensed in  
4 accordance with the act unless otherwise exempt under the act;

5 (c) Advertise any title or description tending to convey the  
6 impression that he or she is a professional landscape architect unless  
7 the person is duly licensed or exempt from licensure under the act;

8 (d) Present or attempt to use the certificate of licensure or the  
9 seal of another person;

10 (e) Give any false or forged evidence of any kind to the board or to  
11 any member of the board in obtaining or attempting to obtain a  
12 certificate of licensure;

13 (f) Falsely impersonate any other licensee of like or different  
14 name;

15 (g) Attempt to use an expired, suspended, revoked, or nonexistent  
16 certificate of licensure or attempt to engage in the practice or offer to  
17 practice landscape architecture when not qualified;

18 (h) Falsely claim that he or she is licensed or authorized under the  
19 act; or

20 (i) Otherwise violate the act.

21 (2) Any person who performs any of the actions described in  
22 subsection (1) of this section is guilty of a Class III misdemeanor for  
23 the first offense and a Class II misdemeanor for the second or any  
24 subsequent offense.

25 Sec. 16. A complaint against any person involving any matter coming  
26 within the jurisdiction of the board shall be in writing and shall be  
27 filed with the board. The complaint, at the discretion of the board,  
28 shall be heard within a reasonable time in accordance with the rules and  
29 regulations and may be heard through the use of a hearing officer. The  
30 accused shall have the right to appear personally with or without  
31 counsel, to cross-examine adverse witnesses, and to produce evidence and

1 witnesses in his or her defense. The board shall set the time and place  
2 of the hearing and shall cause a copy of the complaint, together with a  
3 notice of the time and place fixed for the hearing, to be sent by  
4 registered mail to the accused, at his or her last-known mailing address  
5 known to the board, at least thirty days before the hearing. If after the  
6 hearing the board finds the accused has violated the Professional  
7 Landscape Architects Act or any rules or regulations adopted and  
8 promulgated under the act, it may issue any order or take any action  
9 described in section 17 of this act. If the board finds no violation, it  
10 shall enter an order dismissing the complaint. If the order revokes,  
11 suspends, or cancels a license, the board shall notify the licensee and  
12 the Secretary of State in writing. The board may reissue a license that  
13 has been revoked. An application for the reissuance of a license shall be  
14 made in such a manner as the board directs and shall be accompanied by a  
15 fee established by the board, in accordance with subsection (1) of  
16 section 81-8,194.

17       Sec. 17. (1) The board, after hearing and upon proof satisfactory  
18 to the board, may determine by a two-thirds majority vote that any person  
19 has violated the Professional Landscape Architects Act or any rule or  
20 regulation under the act.

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

24       (a) Issuance of a censure or reprimand;

25       (b) Suspension of judgment;

26       (c) Placement of the offender on probation;

27       (d) Placement of a limitation or limitations on a licensee and upon  
28 the privilege of a licensee to engage in the practice of landscape  
29 architecture to the extent, scope, or type of landscape architecture  
30 practice for such time and under such conditions as are found necessary  
31 and proper;

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

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

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

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

11       (i) Dismissal of the action.

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

14       (4) Civil penalties collected under subdivision (2)(e) of this  
15 section shall be remitted to the State Treasurer for distribution in  
16 accordance with Article VII, section 5, of the Constitution of Nebraska.  
17 All costs collected under subdivision (2)(h) of this section shall be  
18 remitted to the State Treasurer for credit to the State Board of  
19 Landscape Architects Cash Fund.

20       Sec. 18. Section 81-8,206, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22       81-8,206 (1) The Professional Landscape Architects Act shall not  
23 apply to:

24       (a) Any employee of a professional landscape architect who performs  
25 landscape architecture services under the direction and supervision of  
26 the professional landscape architect. Such services do not include  
27 responsible charge of design or the administration of construction  
28 contracts ~~(1) Any person who is an employee of a licensed professional~~  
29 ~~landscape architect and who performs landscape architectural work under~~  
30 ~~the direction and supervision of a licensed professional landscape~~  
31 ~~architect, but such work does not include responsible change of design or~~



1 ~~administration of construction contracts;~~

2 (b) Any employee who performs landscape architecture services for  
3 his or her employer when all such services are completed for a facility  
4 owned or operated by the employer and when such services are not offered  
5 to the public and do not endanger the public health, safety, or welfare

6 ~~(2) Any full-time employee who performs landscape architectural work for~~  
7 ~~his or her employer when all such work is in connection with a facility~~  
8 ~~owned or operated by the employer and when such work does not endanger~~  
9 ~~the public welfare, health, and safety, and when the service is not~~  
10 ~~offered to the public;~~

11 (c) The practice by a qualified member of another legally recognized  
12 profession who is otherwise licensed or certified by this state to  
13 perform services consistent with the laws of this state and the training  
14 and the code of ethics of the respective profession if such qualified  
15 member does not represent himself or herself to be a professional  
16 landscape architect ~~(3) Any architect or professional engineer, but such~~  
17 ~~architect or engineer may not use the title landscape architect or~~  
18 ~~professional landscape architect unless he or she is licensed pursuant to~~  
19 ~~the act; or~~

20 (d) Any person who seeks advice or help of any other person in  
21 planning, planting, or maintaining the planting or conservation work on  
22 any property he or she owns or controls or who does such things himself  
23 or herself ~~(4) Any person who seeks advice or help of any other person in~~  
24 ~~planning, planting, or maintaining the planting or conservation work on~~  
25 ~~any property he or she owns or controls or who does such things himself~~  
26 ~~or herself.~~

27 (2) The Professional Landscape Architects Act shall not prohibit or  
28 require compliance with the act for any person who engages in the  
29 professional occupation of city, county, or city-county planning or a  
30 planning-related occupation to undertake the activities described in  
31 subdivisions (5)(a) through (f) of section 81-8,184, so long as such

1 person does not use the title of landscape architect or professional  
2 landscape architect.

3 (3) The Professional Landscape Architects Act does not prohibit any  
4 person, officer, agent, or employee of any business entity with  
5 experience and qualifications from engaging in the occupation of growing  
6 or marketing nursery stock or to use the title landscape nurseryperson,  
7 landscape gardener, landscape designer, landscape contractor, or land  
8 developer, so long as no individual engages in the practice of landscape  
9 architecture or uses the title landscape architect or professional  
10 landscape architect unless he or she is licensed as such under the  
11 Professional Landscape Architects Act.

12 (4) The Professional Landscape Architects Act does not prevent a  
13 vendor of goods, services, real estate, or materials, including  
14 nurserypersons, landscape nurserypersons, gardeners, landscape gardeners,  
15 landscape designers, general contractors registered under the Contractor  
16 Registration Act, landscape contractors, land developers, golf course  
17 architects, or golf course designers from providing drawings or graphic  
18 diagrams that are necessary for the proper layout or development of the  
19 vendor's goods, services, real estate, or materials for public or private  
20 land or arranging for the installation of the goods or materials. The  
21 Professional Landscape Architects Act also does not prevent a landscape  
22 designer or any person or firm registered under the Contractor  
23 Registration Act from engaging in, for a fee, the design of spaces  
24 utilizing plant materials and ancillary paving and building materials or  
25 arranging for or engaging in the installation of the materials.

26 Sec. 19. (1) Landscape architecture design projects involving more  
27 than one design professional shall have a designated coordinating  
28 professional for the entire project. The coordinating professional may,  
29 but need not, provide professional services on the project. The  
30 coordinating professional shall apply his or her seal in accordance with  
31 the Engineers and Architects Regulation Act or the Professional Landscape

1 Architects Act to the cover sheet of all documents and denote the seal as  
2 that of the coordinating professional.

3 (2) The coordinating professional shall be responsible for reviewing  
4 and coordinating technical documents prepared by any other design  
5 professional for compatibility with the design of the project.

6 Sec. 20. Original sections 81-8,183.01, 81-8,184, 81-8,186,  
7 81-8,191, 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199,  
8 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue Revised  
9 Statutes of Nebraska, are repealed.

10 Sec. 21. The following sections are outright repealed: Sections  
11 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195, 81-8,197,  
12 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue Revised  
13 Statutes of Nebraska.