

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 30

Introduced by Kolterman, 24.

Read first time January 10, 2019

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Professional Landscape Architects Act;
2 to amend sections 81-8,183.01, 81-8,184, 81-8,186, 81-8,191,
3 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199,
4 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue
5 Revised Statutes of Nebraska; to change and eliminate provisions
6 relating to licensure and regulation of professional landscape
7 architects; to provide and change penalties; to harmonize
8 provisions; to repeal the original sections; and to outright repeal
9 sections 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195,
10 81-8,197, 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue
11 Revised Statutes of Nebraska.
12 Be it enacted by the people of the State of Nebraska,

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

3 81-8,183.01 Sections 81-8,183.01 to 81-8,206 and sections 2, 16, 17,
4 19, 20, and 21 shall be known and may be cited as the Professional
5 Landscape Architects Act.

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

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

19 81-8,184 For purposes of the Professional Landscape Architects Act,
20 ~~unless the context otherwise requires:~~

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

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

25 (3) Design professional means a professional landscape architect, a
26 licensed architect, or a professional engineer;

27 (4) Landscape architect intern means an individual who has been duly
28 enrolled as a landscape architect intern by the board;

29 (5) License means an authorization granted by the board to practice
30 landscape architecture;

31 ~~(1) Professional landscape architect means a person who, by reason~~

1 of his or her knowledge acquired by professional education or practical
2 experience, or both, is qualified to engage in the practice of
3 professional landscape architecture as provided in the act;

4 (6) (2) Practice of professional landscape architecture means the
5 application of the principles of mathematical, physical, biological, and
6 social sciences in consultation, evaluation, planning, design, including,
7 but not limited to, the preparation, review and filing of plans,
8 drawings, specifications, and other contract documents, and
9 administration of contracts relative to projects principally directed at
10 the functional and aesthetic use and preservation of land in the
11 performance of professional services. These professional services
12 include, but are not limited to: performance of professional services
13 such as consultations, investigations, reconnaissance, research,
14 planning, design, or responsible supervision in connection with projects
15 involving the arranging of land and the elements thereon for public and
16 private use and enjoyment, including the alignment of roadways and the
17 location of buildings, service areas, parking areas, walkways, steps,
18 ramps, pools, and other structures, and the grading of the land, surface
19 and subsoil drainage, erosion control, planting, reforestation, and the
20 preservation of the natural landscape and aesthetic values, in accordance
21 with accepted professional standards of public health, welfare, and
22 safety. Practice of professional landscape architecture includes the
23 location and arrangement of such tangible objects and features as are
24 incidental and necessary to the purposes outlined in this subdivision but
25 does not include the design of structures or facilities with separate and
26 self-contained purposes for habitation or industry, the design of public
27 streets and highways, utilities, storm and sanitary sewers, and sewage
28 treatment facilities which are ordinarily included in the practice of
29 engineering or architecture, or the making of land surveys or final land
30 plats for official approval or recording. Nothing contained in the act
31 shall preclude a duly licensed professional landscape architect from

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

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

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

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

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

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

26 (f) Preservation and management of natural, cultural, historic, and
27 aesthetic resources;

28 (g) Design of: Sites, landforms, water features, and water bodies;
29 site grading; surface and subsurface drainage and management; sediment
30 and erosion control; non-inhabitable structures; park and recreation
31 areas; site vehicular circulation systems, greenways, and streetscapes;

1 equestrian, bicycle, and pedestrian circulation systems; site lighting,
2 irrigation, plantings, and related construction details and
3 specifications; and

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

12 (7) Professional landscape architect or licensee means a person who
13 is licensed by the board to practice landscape architecture.

14 ~~(3) Board means the State Board of Landscape Architects created by~~
15 ~~the act.~~

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

18 81-8,186 (1) There is hereby created a State Board of Landscape
19 Architects consisting of six members who shall be appointed by the
20 Governor. Five members of the board shall be professional landscape
21 architects and one member shall be a member of the public layperson of
22 ~~the age of legal majority. All members shall have been residents of this~~
23 ~~state for at least one year immediately preceding their appointments.~~

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

27 (3) Each professional landscape architect member shall have been
28 engaged in the active practice of landscape architecture for at least
29 five years at the time of his or her appointment and shall be a
30 professional landscape architect in this state.

31 (4) The term of office of the members appointed to the board shall

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

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

9 81-8,191 The board and any committee of the board is entitled to the
10 services of the Attorney General in the connection with the affairs of
11 the board and may compel the attendance of witnesses, administer oaths,
12 and take testimony and proofs concerning all matters within its
13 jurisdiction. The Attorney General shall act as legal advisor to the
14 board and render such legal assistance as may be necessary in carrying
15 out the Professional Landscape Architects Act. The board may expend funds
16 to promote licensure of professional landscape architects in this state
17 subject to section 84-733 shall be entitled to the counsel and to the
18 services of the Attorney General and shall have power to compel the
19 attendance of witnesses, pay witness fees and mileage as provided in
20 section 81-1176 for state employees, and may take testimony and proofs
21 and may administer oaths concerning any matter within its jurisdiction.

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

24 81-8,191.01 The board may adopt and promulgate rules and regulations
25 to carry out the Professional Landscape Architects Act which are needed
26 in performing its duties. Such rules and regulations may include, but are
27 not be limited to, a definition of conflict of interest for board members
28 and the appropriate procedure to follow when a conflict arises. The rules
29 and regulations or a code of professional conduct developed by the board
30 shall also include definitions of or a list of specific practices which
31 constitute fraud, deceit, gross negligence, incompetence, or misconduct

1 and the punishments for such practices which shall be used as the basis
2 to place a professional landscape architect on probation, ~~or~~ revoke or
3 suspend a license, or impose a penalty pursuant to section 81-8,205 and
4 sections 16 and 17 of this act pursuant to section 81-8,202.

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

7 81-8,192 The board shall maintain and make available to the public
8 a complete roster of each professional landscape architect showing his or
9 her name and last-known address. The board shall file the roster with the
10 Secretary of State annually and may distribute a copy to each
11 professional landscape architect as well as county and municipal
12 officials ~~The board shall keep on file a record of all certificates of~~
13 ~~licensure granted and shall make annual revisions of such record as may~~
14 ~~be necessary. On or before January 31 of each year, the board shall file~~
15 ~~with the Secretary of State a complete list of those licensed under the~~
16 ~~Professional Landscape Architects Act with their addresses and the dates~~
17 ~~of licensure.~~

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

20 81-8,194 (1) The board shall establish fees of no not less than one
21 ~~hundred nor~~ more than three hundred dollars for applications, initial
22 certificates of licensure and annual renewals, and landscape architect
23 intern enrollments and renewals. The board may levy and collect fees for
24 services related to the Professional Landscape Architects Act for
25 ~~licensure, examinations, certificates of licensure, reciprocal licenses,~~
26 ~~and renewals~~ based on the administration costs incurred by the board. The
27 board shall collect, account for, and remit such fees to the State
28 Treasurer for credit to the State Board of Landscape Architects Cash Fund
29 which is hereby created. All fees are nonrefundable.

30 (2) Transfers may be made from the State Board of Landscape
31 Architects Cash Fund to the General Fund at the direction of the

1 Legislature. Any money in the State Board of Landscape Architects Cash
2 Fund available for investment shall be invested by the state investment
3 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
4 State Funds Investment Act.

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

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

15 81-8,196 (1) Applications for licensure as a professional landscape
16 architect shall be on forms prescribed and furnished by the State Board
17 of Landscape Architects. Each applicant for licensure as a professional
18 landscape architect shall complete an application that includes the
19 following requirements:

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

28 (3) The following shall be considered as the minimum evidence
29 satisfactory to the State Board of Landscape Architects that an applicant
30 is eligible for initial licensure, upon application, as a professional
31 landscape architect: (2) Successful passage of a written or electronic

1 ~~examination in landscape architecture which is designed to determine the~~
2 ~~proficiency and qualifications to engage in the practice of professional~~
3 ~~landscape architecture; and~~

4 (a) Submission of an application accompanied by the fee established
5 by the board; (3) That the applicant is of good character.

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

8 (c) Graduation from a program accredited by the Landscape
9 Architectural Accreditation Board or its equivalent as determined by the
10 State Board of Landscape Architects;

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

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

17 (f) Demonstration of good reputation and character.

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

24 (5) An individual who has been licensed to practice landscape
25 architecture for fifteen years or more in one or more jurisdictions
26 recognized by the board and who has practiced landscape architecture in
27 compliance with the licensing laws in the jurisdiction where his or her
28 landscape architecture practice has occurred since initial licensure may,
29 upon application, be licensed as a professional landscape architect after
30 demonstration of good reputation and character.

31 (6) The board may accept the verified information contained in a

1 valid council record issued by the Council of Landscape Architectural
2 Registration Boards in lieu of the same information that is required on
3 the form prescribed by the board.

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

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

8 (9) Licensure shall be effective upon issuance.

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

11 81-8,198 (1) Each licensee shall provide himself or herself with a
12 suitable seal with a uniform inscription thereon formulated by the board
13 with which he or she shall stamp all plans, specifications, and reports
14 prepared by him or her when required. The following shall be stated on
15 the seal: State of Nebraska, the licensee's name, the license number, and
16 Professional Landscape Architect. ~~A license shall be presumptive evidence~~
17 that the person named therein is legally licensed.

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

21 (3) The seal and date of its placement shall be on all technical
22 submissions and calculations whenever presented to a client or any public
23 or governmental agency. It shall be unlawful for a licensee to affix his
24 or her seal and signature or to permit his or her seal and signature to
25 be affixed to any document after the expiration of the certificate of
26 licensure or for the purpose of aiding or abetting any other person to
27 evade or attempt to evade the Professional Landscape Architects Act.

28 (4) The seal and date shall be placed on final plans and
29 specifications and reports as required in such a manner that the seal,
30 signature, and date will be reproduced and be in compliance with rules
31 and regulations of the board, if any. The application of the licensee's

1 seal shall constitute certification that the work was done in accordance
2 with the act.

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

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

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

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

23 (3) The board may issue a new certificate of licensure to replace
24 any lost, destroyed, or mutilated certificate of licensure or issue a
25 duplicate of any active certificate of licensure upon request from the
26 licensee. A fee not to exceed fifty dollars may be charged for each such
27 issuance.

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

31 Sec. 12. Section 81-8,200, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-8,200 Certificates of licensure shall expire on a date
3 established by the board and shall become invalid on that date unless
4 renewed. In 2020, a licensee whose last name begins with a letter between
5 the letters "A" and "L" shall renew his or her certificate of licensure
6 for one year and a licensee whose last name begins with a letter between
7 the letters "M" and "Z" shall renew his or her certificate of licensure
8 for two years. Each subsequent renewal shall be for a two-year period.
9 The board shall notify every person licensed under the Professional
10 Landscape Architects Act of the expiration date of his or her certificate
11 of licensure and the amount of the fee required for renewal. The notice
12 shall be sent at least one month in advance of the date of the
13 expiration. Valid certificates of licensure may be renewed prior to
14 expiration upon application and payment of applicable fees. The fee to be
15 paid on an expired certificate of licensure the last day of December
16 following their issuance or renewal and shall become invalid on that date
17 unless renewed before the expiration date with the payment of a fee in an
18 amount the board shall determine. The board shall notify every licensee
19 of the expiration date of his or her certificate and the amount of the
20 annual renewal fee at least one month in advance. The fee to be paid for
21 the renewal of a certificate after December 31 shall be increased by ten
22 percent for each month or fraction of a month such payment is delayed,
23 except that the maximum fee for a delayed renewal shall not exceed twice
24 the amount of the original renewal fee and no renewals shall be made
25 after one year after the expiration date. Expired licenses shall be
26 renewed in accordance with the rules and regulations of the board. The
27 board may require individual licensees to obtain professional development
28 in accordance with the rules and regulations of the board a lapse of one
29 year after the original expiration date thereof. Renewal fees shall not
30 be required while the professional landscape architect is on active duty
31 with the armed forces of the United States. Application for renewal of a

1 ~~lapsed license shall be in the same manner as provided for an original~~
2 ~~application pursuant to section 81-8,196.~~

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

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

23 Sec. 14. Section 81-8,204, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 81-8,204 Except as provided in section 81-8,206, an individual
26 shall not directly or indirectly engage in the practice of landscape
27 architecture in this state or use the title of professional landscape
28 architect or display or use any words, letters, figures, titles, signs,
29 cards, advertisements, or other symbols or devices indicating or tending
30 to indicate that he or she is a professional landscape architect or is
31 practicing landscape architecture unless he or she is licensed under the

1 ~~Professional Landscape Architects Act. A licensee shall not aid or abet~~
2 ~~any person not licensed under the act in the practice of landscape~~
3 ~~architecture. No person shall practice as a professional landscape~~
4 ~~architect or in any manner designate himself or herself as a professional~~
5 ~~landscape architect unless he or she has been issued a certificate of~~
6 ~~licensure pursuant to the Professional Landscape Architects Act. If such~~
7 ~~person does practice or attempt to practice under the designation of~~
8 ~~professional landscape architect, he or she may be restrained under~~
9 ~~permanent injunction.~~

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

12 81-8,205 (1) ~~It is unlawful for any person to: Any person who~~
13 ~~violates a permanent injunction obtained pursuant to section 81-8,204,~~
14 ~~presents or attempts to file as his or her own the certificate of~~
15 ~~licensure of another, gives false or forged evidence of any kind to the~~
16 ~~board in obtaining a certificate of licensure, indorses any document~~
17 ~~which he or she did not actually prepare or supervise the preparation~~
18 ~~thereof, falsely impersonates another practitioner of like or different~~
19 ~~name, or uses a revoked certificate of licensure shall be deemed guilty~~
20 ~~of a Class III misdemeanor.~~

21 (a) Practice or offer to practice landscape architecture in this
22 state without being licensed in accordance with the Professional
23 Landscape Architects Act unless such practice or offer to practice is
24 otherwise exempt under the act;

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

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

31 (d) Present or attempt to use the certificate of licensure or the

1 seal of another person;

2 (e) Give any false or forged evidence of any kind to the board or to
3 any member of the board in obtaining or attempting to obtain a
4 certificate of licensure;

5 (f) Falsely impersonate any other licensee of like or different
6 name;

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

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

12 (i) Otherwise violate the act.

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

17 Sec. 16. A complaint against any person involving any matter coming
18 within the jurisdiction of the board shall be in writing and shall be
19 filed with the board. The complaint, at the discretion of the board,
20 shall be heard within a reasonable time in accordance with the rules and
21 regulations and may be heard through the use of a hearing officer. The
22 accused shall have the right to appear personally with or without
23 counsel, to cross-examine adverse witnesses, and to produce evidence and
24 witnesses in his or her defense. The board shall set the time and place
25 of the hearing and shall cause a copy of the complaint, together with a
26 notice of the time and place fixed for the hearing, to be sent by
27 registered mail to the accused, at his or her last-known mailing address
28 known to the board, at least thirty days before the hearing. If after the
29 hearing the board finds the accused has violated the Professional
30 Landscape Architects Act or any rules or regulations adopted and
31 promulgated under the act, it may issue any order or take any action

1 described in section 17 of this act. If the board finds no violation, it
2 shall enter an order dismissing the complaint. If the order revokes,
3 suspends, or cancels a license, the board shall notify the licensee and
4 the Secretary of State in writing. The board may reissue a license that
5 has been revoked. An application for the reissuance of a license shall be
6 made in such a manner as the board directs and shall be accompanied by a
7 fee established by the board.

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

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

15 (a) Issuance of a censure or reprimand;

16 (b) Suspension of judgment;

17 (c) Placement of the offender on probation;

18 (d) Placement of a limitation or limitations on a licensee and upon
19 the privilege of a licensee to engage in the practice of landscape
20 architecture to the extent, scope, or type of landscape architecture
21 practice for such time and under such conditions as are found necessary
22 and proper;

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

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

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

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

1 undertaken by the board; or

2 (i) Dismissal of the action.

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

5 (4) Civil penalties collected under subdivision (2)(e) of this
6 section shall be remitted to the State Treasurer for distribution in
7 accordance with Article VII, section 5, of the Constitution of Nebraska.
8 All costs collected under subdivision (2)(h) of this section shall be
9 remitted to the State Treasurer for credit to the State Board of
10 Landscape Architects Cash Fund.

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

13 81-8,206 (1) The Professional Landscape Architects Act shall not
14 apply to:

15 (a) Any employee of a professional landscape architect who performs
16 landscape architecture services under the direction and supervision of
17 the professional landscape architect. Such services do not include
18 responsible charge of design or the administration of construction
19 contracts ~~(1) Any person who is an employee of a licensed professional~~
20 ~~landscape architect and who performs landscape architectural work under~~
21 ~~the direction and supervision of a licensed professional landscape~~
22 ~~architect, but such work does not include responsible change of design or~~
23 ~~administration of construction contracts;~~

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

28 ~~(2) Any full-time employee who performs landscape architectural work for~~
29 ~~his or her employer when all such work is in connection with a facility~~
30 ~~owned or operated by the employer and when such work does not endanger~~
31 ~~the public welfare, health, and safety, and when the service is not~~

1 offered to the public;

2 (c) The practice by a qualified member of another legally recognized
3 profession who is otherwise licensed or certified by this state to
4 perform services consistent with the laws of this state and the training
5 and the code of ethics of the respective profession if such qualified
6 member does not represent himself or herself to be a professional
7 landscape architect ~~(3) Any architect or professional engineer, but such~~
8 ~~architect or engineer may not use the title landscape architect or~~
9 ~~professional landscape architect unless he or she is licensed pursuant to~~
10 ~~the act; or~~

11 (d) Any person who seeks advice or help of any other person in
12 planning, planting, or maintaining the planting or conservation work on
13 any property he or she owns or controls or who does such things himself
14 or herself ~~(4) Any person who seeks advice or help of any other person in~~
15 ~~planning, planting, or maintaining the planting or conservation work on~~
16 ~~any property he or she owns or controls or who does such things himself~~
17 ~~or herself.~~

18 (2) The Professional Landscape Architects Act shall not prohibit or
19 require compliance with the act for any person who engages in the
20 professional occupation of city, county, or city-county planning or a
21 planning-related occupation to undertake the activities described in
22 subdivisions (6)(a) through (f) of section 81-8,184, so long as such
23 person does not use the title of landscape architect or professional
24 landscape architect.

25 (3) The Professional Landscape Architects Act does not prohibit any
26 person, officer, agent, or employee of any business entity with
27 experience and qualifications from engaging in the occupation of growing
28 or marketing nursery stock or to use the title landscape nurseryperson,
29 landscape gardener, landscape designer, landscape contractor, or land
30 developer, so long as no individual engages in the practice of landscape
31 architecture or uses the title landscape architect or professional

1 landscape architect unless he or she is licensed as such under the
2 Professional Landscape Architects Act.

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

17 Sec. 19. (1) The following shall be considered as the minimum
18 evidence satisfactory to the board that an applicant is eligible for
19 enrollment as a landscape architect intern:

20 (a) Graduation from a program accredited by the Landscape
21 Architectural Accreditation Board or its equivalent as determined by the
22 State Board of Landscape Architects;

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

25 (c) Performance of services under the direct supervision of a design
26 professional;

27 (d) Submission of an application accompanied by a fee established by
28 the board; and

29 (e) Demonstration of good reputation and character.

30 (2) The board shall issue a certificate of enrollment to each
31 successful applicant which indicates his or her name has been recorded as

1 such with the board. Each certificate shall include the full name of the
2 landscape architect intern, carry the designation Landscape Architect
3 Intern, and be signed by the chairperson of the board. The certificate
4 does not authorize the applicant to practice as a landscape architect.

5 (3) The board may issue a new landscape architect intern certificate
6 to replace any lost, destroyed, or mutilated certificate or issue a
7 duplicate of an active certificate upon request from the landscape
8 architect intern. A fee not to exceed fifty dollars may be charged for
9 each such issuance.

10 Sec. 20. A certificate of enrollment as a landscape architect
11 intern expires two years after the date of issuance or renewal and
12 becomes invalid on that date unless renewed before the expiration date
13 with the payment of a fee as determined by the board. The board shall
14 notify every person enrolled under the Professional Landscape Architects
15 Act of the date of expiration of the certificate of enrollment and the
16 amount of the fee required for renewal. The notice shall be sent at least
17 one month in advance of the date of the expiration. Expired certificates
18 shall be renewed in accordance with the rules and regulations of the
19 board. A certificate may be renewed for up to six years total after
20 initial issuance. After such time, a new application must be submitted in
21 accordance with the rules and regulations of the board. If a certificate
22 is not renewed within twelve months after expiration, a new application
23 and fee shall be required.

24 Sec. 21. (1) Landscape architecture design projects involving more
25 than one design professional shall have a designated coordinating
26 professional for the entire project. The coordinating professional may,
27 but need not, provide professional services on the project. The
28 coordinating professional shall apply his or her seal in accordance with
29 the Engineers and Architects Regulation Act or the Professional Landscape
30 Architects Act to the cover sheet of all documents and denote the seal as
31 that of the coordinating professional.

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

4 Sec. 22. Original sections 81-8,183.01, 81-8,184, 81-8,186,
5 81-8,191, 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199,
6 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue Revised
7 Statutes of Nebraska, are repealed.

8 Sec. 23. The following sections are outright repealed: Sections
9 81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195, 81-8,197,
10 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue Revised
11 Statutes of Nebraska.