

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 696

Introduced by Raybould, 28.

Read first time January 22, 2025

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Professional Landscape Architects Act;
2 to amend sections 81-8,184, 81-8,192, 81-8,196, 81-8,199, 81-8,200,
3 81-8,206, and 81-8,208, Reissue Revised Statutes of Nebraska; to
4 define a term; to change, provide, and eliminate provisions relating
5 to the State Board of Landscape Architects, the complete roster of
6 professional landscape architects, applications for licensure,
7 certificates of registration, certificates of licensure, and
8 disciplinary actions; to harmonize provisions; and to repeal the
9 original sections.

10 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 81-8,184, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-8,184 For purposes of the Professional Landscape Architects Act:

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

5 (2) Coordinating professional means a design professional who
6 coordinates, as appropriate, the work of all design professionals
7 involved in a project;

8 (3) Design professional means a professional landscape architect, a
9 licensed architect, or a professional engineer;

10 (4) Direct supervision means having full professional knowledge and
11 control over work that constitutes the practice of landscape architecture
12 in accordance with the Professional Landscape Architects Act;

13 (5) ~~(4)~~ License means an authorization granted by the board to
14 practice landscape architecture;

15 (6) ~~(5)~~ Practice of landscape architecture means the application of
16 the principles of mathematical, physical, biological, and social sciences
17 in consultation, evaluation, planning, design, including, but not limited
18 to, the preparation, review and filing of plans, drawings,
19 specifications, and other contract documents, and administration of
20 contracts relative to projects principally directed at the functional and
21 aesthetic use and preservation of land in the performance of professional
22 services. These professional services include, but are not limited to:

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

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

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

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

31 (e) Collaboration with architects, professional engineers, and

1 professional land surveyors in the design of streets, highways, bridges,
2 buildings, and structures with respect to the functional and aesthetic
3 requirements of the area in which such facilities are to be placed;

4 (f) Preservation and management of natural, cultural, historic, and
5 aesthetic resources;

6 (g) Design of: Sites, landforms, water features, and water bodies;
7 site grading; surface and subsurface drainage and management; sediment
8 and erosion control; noninhabitable structures; park and recreation
9 areas; site vehicular circulation systems, greenways, and streetscapes;
10 equestrian, bicycle, and pedestrian circulation systems; and site
11 lighting, irrigation, plantings, and related construction details and
12 specifications; and

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

21 (7) ~~(6)~~ Professional landscape architect or licensee means a person
22 who is licensed by the board to practice landscape architecture.

23 **Sec. 2.** Section 81-8,192, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 81-8,192 The board shall maintain and make available to the public a
26 complete roster of each professional landscape architect that includes
27 the showing his or her name and last-known address of each professional
28 landscape architect. The board may cause to be delivered a copy of such
29 complete roster to any person upon request. The board may charge a fee in
30 accordance with sections 84-712 to 84-712.09 to the requester of such a
31 copy. The board shall file the roster with the Secretary of State

1 ~~annually and may distribute a copy to each professional landscape~~
2 ~~architect as well as county and municipal officials.~~

3 **Sec. 3.** Section 81-8,196, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-8,196 (1) Applications for licensure as a professional landscape
6 architect shall be on forms prescribed and furnished by the State Board
7 of Landscape Architects.

8 (2) Applicants who hold a landscape architecture degree accredited
9 by any of the following Landscape Architectural Accreditation Board or
10 ~~its equivalent as determined by the board~~ may sit for the Landscape
11 Architect Registration Examination as administered by the Council of
12 Landscape Architectural Registration Boards: -

13 (a) The Landscape Architectural Accreditation Board or its
14 equivalent as determined by the board; or

15 (b) The Canadian Society of Landscape Architects or its equivalent
16 as determined by the board.

17 (3) The following shall be considered as the minimum evidence
18 satisfactory to the State Board of Landscape Architects that an applicant
19 is eligible for initial licensure, upon application, as a professional
20 landscape architect:

21 (a) Submission of an application accompanied by the fee established
22 by the board, in accordance with subsection (1) of section 81-8,194;

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

25 (b) (e) Graduation from a program accredited by any of the
26 following:

27 (i) The Landscape Architectural Accreditation Board or its successor
28 equivalent as determined by the State Board of Landscape Architects; or

29 (ii) The Canadian Society of Landscape Architects or its successor;

30 (c) (d) Passage of an examination on technical and professional
31 subjects as prescribed by the board or its equivalent as determined by

1 the board; and

2 ~~(d) (e) A record of three years or more of diversified post-degree~~
3 ~~experience directly related to landscape architecture under the direct~~
4 ~~supervision of a professional landscape architect in accordance with~~
5 ~~rules and regulations adopted and promulgated by the board. or equivalent~~
6 ~~experience as determined by the board; and~~

7 ~~(f) One or more written professional references which shall be~~
8 ~~submitted by the applicant to the board.~~

9 (4) Upon application, an ~~An~~ individual holding a license to practice
10 landscape architecture issued by a proper authority of any jurisdiction
11 recognized by the board, based on credentials that do not conflict with
12 ~~subsection (3) of this section and other provisions of the Professional~~
13 ~~Landscape Architects Act, may , upon application,~~ be licensed as a
14 professional landscape architect after demonstration of good reputation
15 and character.

16 ~~(5) An individual who has been licensed to practice landscape~~
17 ~~architecture for fifteen years or more in one or more jurisdictions~~
18 ~~recognized by the board and who has practiced landscape architecture in~~
19 ~~compliance with the licensing laws in the jurisdiction where his or her~~
20 ~~landscape architecture practice has occurred since initial licensure may,~~
21 ~~upon application, be licensed as a professional landscape architect after~~
22 ~~demonstration of good reputation and character.~~

23 ~~(5) (6) The board may accept the verified information contained in a~~
24 ~~valid council record issued by the Council of Landscape Architectural~~
25 ~~Registration Boards in lieu of the same information that is required on~~
26 ~~the form prescribed by the board.~~

27 ~~(6) Any examination material~~ (7) ~~Examination materials~~ shall not be
28 ~~deemed a considered public record subject to disclosure pursuant to~~
29 ~~sections 84-712 to 84-712.09 records.~~

30 (7) ~~(8) The board may adopt the examinations and grading procedures~~
31 ~~of the Council of Landscape Architectural Registration Boards. The board~~

1 may also adopt guidelines published from time to time by the council.

2 ~~(8) (9)~~ Licensure shall be effective upon issuance.

3 **Sec. 4.** Section 81-8,199, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-8,199 (1) The board shall issue to any applicant who has met the
6 requirements of the Professional Landscape Architects Act a certificate
7 of licensure giving the licensee proper authority to carry out the
8 prerogatives of the act. The certificate of licensure shall carry the
9 designation Professional Landscape Architect. The certificate of
10 licensure shall give the full name of the licensee and license number and
11 shall be signed by two members of the board.

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

16 (3) The board may issue a new certificate of licensure to replace
17 any lost, destroyed, or mutilated certificate of licensure or issue a
18 duplicate of any active certificate of licensure upon request from the
19 licensee. A fee not to exceed fifty dollars, in accordance with
20 subsection (1) of section 81-8,194, may be charged for each such
21 issuance.

22 (4) Any person holding a certificate of licensure registration under
23 the Professional Landscape Architects Act as of the effective date of
24 this act ~~act as of November 14, 2020~~, shall be deemed to be duly licensed
25 under the Professional Landscape Architects Act ~~act~~ until the expiration
26 of such certificate.

27 **Sec. 5.** Section 81-8,200, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-8,200 Certificates of licensure shall expire on a date
30 established by the board and shall become invalid on that date unless
31 renewed. ~~In 2021, a licensee whose last name begins with a letter between~~

1 ~~the letters "A" and "L" shall renew his or her certificate of licensure~~
2 ~~for one year and a licensee whose last name begins with a letter between~~
3 ~~the letters "M" and "Z" shall renew his or her certificate of licensure~~
4 ~~for two years. Each subsequent renewal shall be for a two-year period.~~
5 The board shall notify every person licensed under the Professional
6 Landscape Architects Act of the expiration date of his or her certificate
7 of licensure and the amount of the fee, in accordance with subsection (1)
8 of section 81-8,194, required for renewal. The notice shall be sent at
9 least one month in advance of the date of the expiration. Valid
10 certificates of licensure may be renewed prior to expiration upon
11 application and payment of applicable fees. The fee to be paid on an
12 expired certificate of licensure shall be increased by ten percent for
13 each month or fraction of a month such payment is delayed, except that
14 the maximum fee for a delayed renewal shall not exceed twice the amount
15 of the original renewal fee and no renewals shall be made after one year
16 after the expiration date, in accordance with subsection (1) of section
17 81-8,194. Expired licenses shall be renewed in accordance with the rules
18 and regulations of the board. The board may require individual licensees
19 to obtain professional development in accordance with the rules and
20 regulations of the board.

21 **Sec. 6.** Section 81-8,206, Reissue Revised Statutes of Nebraska, is
22 amended to read:

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

25 (a) Any employee of a professional landscape architect who performs
26 landscape architecture services under the direction and supervision of
27 the professional landscape architect. Such services do not include
28 responsible charge of design or the administration of construction
29 contracts;

30 (b) Any employee who performs landscape architecture services for
31 his or her employer when all such services are completed for a facility

1 owned or operated by the employer and when such services are not offered
2 to the public and do not endanger the public health, safety, or welfare;

3 (c) The practice by a qualified member of another legally recognized
4 profession who is otherwise licensed or certified by this state to
5 perform services consistent with the laws of this state and the training
6 and the code of ethics of the respective profession if such qualified
7 member does not represent himself or herself to be a professional
8 landscape architect; or

9 (d) Any person who seeks advice or help of any other person in
10 planning, planting, or maintaining the planting or conservation work on
11 any property he or she owns or controls or who does such things himself
12 or herself.

13 (2) The Professional Landscape Architects Act shall not prohibit or
14 require compliance with the act for any person who engages in the
15 professional occupation of city, county, or city-county planning or a
16 planning-related occupation to undertake the activities described in
17 subdivisions ~~(6)(a)~~ ~~(5)(a)~~ through (f) of section 81-8,184, so long as
18 such person does not use the title of landscape architect or professional
19 landscape architect.

20 (3) The Professional Landscape Architects Act does not prohibit any
21 person, officer, agent, or employee of any business entity with
22 experience and qualifications from engaging in the occupation of growing
23 or marketing nursery stock or to use the title landscape nurseryperson,
24 landscape gardener, landscape designer, landscape contractor, or land
25 developer, so long as no individual engages in the practice of landscape
26 architecture or uses the title landscape architect or professional
27 landscape architect unless he or she is licensed as such under the
28 Professional Landscape Architects Act.

29 (4) The Professional Landscape Architects Act does not prevent a
30 vendor of goods, services, real estate, or materials, including
31 nurserypersons, landscape nurserypersons, gardeners, landscape gardeners,

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

12 **Sec. 7.** Section 81-8,208, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-8,208 (1) The board, after hearing and upon proof satisfactory to
15 the board, may determine by a two-thirds majority vote that any person
16 has violated the Professional Landscape Architects Act or any rule or
17 regulation under the act.

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

21 (a) Issuance of a censure or reprimand;

22 (b) Suspension of judgment;

23 (c) Placement of the offender on probation;

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

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

1 (f) Entrance of an order of revocation or ~~,~~ suspension ~~,~~ ~~or~~
2 ~~cancellation~~ of the certificate of licensure;

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

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

8 (i) Dismissal of the action.

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

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

17 **Sec. 8.** Original sections 81-8,184, 81-8,192, 81-8,196, 81-8,199,
18 81-8,200, 81-8,206, and 81-8,208, Reissue Revised Statutes of Nebraska,
19 are repealed.