

Nebraska State Board of Landscape Architects  
**Statute Revision Task Force Meeting Notes**  
**July 24, 2014**  
**215 Centennial Mall South, 5<sup>th</sup> Floor Small Conference Room, Lincoln, NE**

**CALL TO ORDER**

The meeting was called to order at 3:02 pm by Committee Chairperson Pat Slaven and informed the public of the location of the Open Meeting Act. Notice of the meeting was published on the Board's website and in the Lincoln Journal Star in compliance with the Open Meeting Act.

**Roll Call:**

Pat Slaven, Chairperson

Dennis Scheer (arrival at 3:07 pm)

Ken Backman

Brad Swerczek

Todd Maiellaro (Board Member)

John Royster (Absent)

Dennis Bryers (Board President), arrival at 3:10 pm

**Public Comments:**

None.

**A Approval of Minutes from Previous Meeting**

It was moved and seconded (Swerczek/Backman) to approve the minutes from the previous meeting of September 17, 2013 as submitted by Board Member Maiellaro. Motion passed. Voting Yes: Slaven, Backman, Swerczek, Voting No: None.

**B Overview of Task Force Recommendations to Date**

Dennis gave a summary of the Boards summary of the Committee's Recommendations in regards to two-year, online renewals, PDH requirements, Audit strategy, Intern LA, Coordinating Professional, Emeritus, and Licensure by Comity. Overall the Board was in agreement with the recommendations that were present, though some more discussions will be held on total required PDH and related topic of how many to be related to HSW and self-study.

**C Defining the Practice of Landscape Architecture**

The discussion of the defining the Practice of Landscape Architecture and that of the Purpose of the Act began with Ken Backman's redline comments that he had previously completed and included discussions of the review of other State's Laws, that were included in the packet sent out by Dennis Bryers prior to the meeting.

Dennis Scheer stated the Ohio law was well-written and could be a good model to use. He expressed the importance that the definition should protect that what we were educated for that others don't know. The profession of landscape architecture has one of the broadest fields of all professional practices and it would be important to define or list these areas that are subject to what others might consider questionable areas for our profession. Areas that should be listed include: storm water drainage and management, erosion control, access drives, and non-inhabitable structures, etc.

It really shouldn't tell what the profession can't do, but more of what the profession can do as part of Act. Dennis had mentioned a poster developed by Russ Butler and he was going to send out the quotation from that as it has relevance to the topic.

It was decided that each person should review the information from the other states and develop "rough draft" copy of the law and send these drafts to Ken. Ken will attempt to merge all the drafts into a singular document for the committee to review prior to approval at the next meeting. The schedule to complete these tasks is as follows:

- July 28<sup>th</sup>: Todd Maiellaro to complete and send meeting minutes to members. Ken will send out his redline draft document as a starting point for Committee Members.
- August 4<sup>th</sup>: Committee members are to send their draft copies of updated **Purpose of the Act** and Definition of the **Practice of Landscape Architecture** to Ken Backman.
- August 11<sup>th</sup>: Ken to merge comments from members and develop a single draft copy for review.
- August 18<sup>th</sup>: Committee members (and Board Members) to review the draft copy and make/provide any additional comments for final draft.
- August 26<sup>th</sup>: Meeting to finalize updates. (Meeting to be held in Omaha and be set by Pat Slaven)
- Sept 1: Dennis to present the updates to the State Bill Writers so they can begin their work on drafting the changes. The copy to send to the State should include commentary section as to why the changes are required. This could assist in the passing of the bill.

Meeting Adjourned at 4:26 pm.

Attachment (Ken's redline copy from last year)

Respectfully Submitted by Todd Maiellaro, PLA, ASLA, Nebraska State Board Member

# State of Nebraska

## Professional Landscape Architects Act

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

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

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

### **81-8,183.02 Purpose of the Act**

To protect public health, safety and welfare, this Act regulates the title and practice of landscape architecture in the State of Nebraska. No person may engage in the practice of landscape architecture nor use the designation of Professional Landscape Architect, Landscape Architect, Landscape Architecture, or Landscape Architectural, nor advertise any title or description tending to convey the impression that he or she is a landscape architect, unless the person or business entity is authorized in the manner hereinafter provided and thereafter complies with all the provisions of this Act. The practice of landscape architecture shall be deemed a privilege granted by the Board, based on the qualifications of the individual as evidenced by a license.

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

~~It is the intent of the Legislature, through the Professional Landscape Architects Act, to safeguard the life, health, and property of the citizens of this state and to insure that the landscape architects serving the public meet minimum standards of proficiency and competency.~~

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

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

**Board** – The Board regulating Professional Landscape Architects in the State of Nebraska.

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

**Coordinating Professional** – A Professional Landscape Architect who is designated to oversee and be responsible for the design and administrative aspects of an entire project.

**License** – An authorization granted by the Board to practice landscape architecture.

**Practice of Landscape Architecture** – The practice of Professional Landscape Architecture applies the principles of mathematical, physical and social sciences in consultation, evaluation, planning, design (including, but not limited to, the preparation and filing of plans, drawings, specifications and other contract documents) and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land in the performance of professional services.

These professional services include, but are not limited to:

1. Investigation, selection and allocation of land and water resources for appropriate uses;
2. Formulation of feasibility studies, and graphic and written criteria to govern the planning, design and management of land and water resources;
3. Preparation, review and analysis of land use master plans, subdivision plans and preliminary plats;
4. Determining the location and siting of improvements, including buildings, site features, access and environs for those improvements;
5. Design of land forms, storm water drainage, soil conservation and erosion control methods, site lighting, water features, irrigation systems, plantings, pedestrian and vehicular circulation systems and related construction details and

6. Preservation of natural landscape resources, historic and aesthetic values, in accordance with accepted professional standards of public health, safety and welfare.

~~(2) Practice of professional landscape architecture means the performance of professional services such as consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with projects involving the arranging of land and the elements thereon for public and private use and enjoyment, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools, and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape and aesthetic values, in accordance with accepted professional standards of public health, welfare, and safety. Practice of professional landscape architecture includes the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this subdivision but does not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities which are ordinarily included in the practice of engineering or architecture, or the making of land surveys or final land plats for official approval or recording.~~

**Professional Landscape Architect** – A person who complies with all provisions of this Act and is licensed by the board to engage in the practice of landscape architecture.

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

## **81-~~~~-~Board, Structure, Operations and Powers**

**81-~~~~-~Exemptions** (Do not list as part of the definition for a Professional Landscape Architect. Do not list under 'Terms, defined.' Show as a separate section as in CLARB Model Law.)

1. Nothing in this Act shall prohibit any architect, professional engineer, or land surveyor registered under the statutes of the State of Nebraska from providing services for which they are licensed.

~~Nothing contained in the act shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, or land surveying.~~

~~Nothing contained in the act shall preclude a duly licensed professional landscape architect from performing any of the services defined as practice of professional landscape architecture in this subdivision in connection with the settings, approaches, or environment for buildings, structures, or facilities.~~

2. Nothing in ~~the~~ **this** act shall prohibit any person, firm, or corporation or their officers, agents, or employees from preparing planting plans for plant materials in connection with the sale of nursery stock, plants, trees, shrubs, flowers, sod, or other plant material, outdoor decorative ornaments, seed, fertilizer, chemicals, gardening tools and equipment, and related items of merchandise or the propagation, planting, or growth of any indoor or outdoor plants.

3. Nothing in this Act shall prohibit individuals from making plans, drawings or specifications for any property owned by them and for their own personal use.

**81-~~~~~ Coordinating Professional; Requirement.**

1. Projects involving more than one licensed landscape architect, architect or professional engineer shall have a landscape architect, architect or professional engineer designated as the coordinating professional for the entire project. The coordinating professional may, but need not be, providing landscape architectural, architectural or engineering services on the project. The coordinating professional shall apply his or her seal in accordance with the act to the cover sheet of all documents and denote the seal as that of the coordinating professional.
2. The coordinating professional shall be responsible for reviewing and coordinating technical documents prepared by others for compatibility with the design of the project.
3. Notwithstanding the provisions of section 81-~~~~~, a licensed architect or professional engineer may act as the coordinating professional when the project encompasses the practice of architecture or engineering as defined in the Professional Architects and Engineers Act.

