

Nebraska Professional Landscape Architects Act
CLARB Uniform Licensure Standard Revisions

81-8,183.01. Act, how cited.

Sections 81-8,183.01 to 81-8,208 shall be known and may be cited as the Professional Landscape Architects Act.

81-8,184. Terms, defined.

For purposes of the Professional Landscape Architects Act:

- (1) Board means the State Board of Landscape Architects;
- (2) Coordinating professional means a design professional who coordinates, as appropriate, the work of all design professionals involved in a project;
- (3) Design professional means a professional landscape architect, a licensed architect, or a professional engineer;
- (4) Direct supervision means having full professional knowledge and control over work that constitutes the practice of landscape architecture.
- (5) License means an authorization granted by the board to practice landscape architecture;
- (6) Practice of professional landscape architecture means the application of the principles of mathematical, physical, biological, and social sciences in consultation, evaluation, planning, design, including, but not limited to, the preparation, review 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:
 - (a) Investigation, selection, and allocation of land and natural resources for appropriate uses;
 - (b) Development of feasibility and site selection studies to govern the planning, design, and management of the land;
 - (c) Preparation, review, and analysis of land-use master, site, and comprehensive development plans and preliminary subdivision plans;
 - (d) Determining the location and siting of improvements, including buildings, site features, access, and environs for the improvements;
 - (e) Collaboration with architects, professional engineers, and registered land surveyors in the design of streets, highways, bridges, buildings, and structures with respect to the functional and aesthetic requirements of the area in which such facilities are to be placed;
 - (f) Preservation and management of natural, cultural, historic, and aesthetic resources;
 - (g) Design of: Sites, landforms, water features, and water bodies; site grading; surface and subsurface drainage and management; sediment and erosion control; noninhabitable structures; park and recreation areas; site vehicular circulation systems, greenways, and streetscapes; equestrian, bicycle, and pedestrian circulation systems; and site lighting, irrigation, plantings, and related construction details and specifications; and
 - (h) Location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this section. Practice of landscape architecture does not include the design

Nebraska Professional Landscape Architects Act
CLARB Uniform Licensure Standard Revisions

of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of streets and highways, utilities, storm and sanitary sewers, and water and sewage treatment facilities, such as are exclusive to the practice of engineering, architecture, or land surveying; and

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

81-8,184.01. Repealed. Laws 2020, LB30, § 21.

81-8,184.02. Act; regulation of landscape architecture; prohibited acts.

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

81-8,185. Repealed. Laws 2020, LB30, § 21.

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

- (1) There is hereby created a State Board of Landscape Architects consisting of six members who shall be appointed by the Governor. Five members of the board shall be professional landscape architects and one shall be a member of the public.
- (2) Each member shall be a citizen of the United States and shall have been a resident of the State of Nebraska for at least one year immediately preceding appointment.
- (3) Each professional landscape architect member shall have been engaged in the active practice of landscape architecture for at least five years at the time of his or her appointment and shall be a professional landscape architect in this state.
- (4) The term of office of the members appointed to the board shall be for five years. A member shall hold office after the expiration of his or her term until his or her successor is duly appointed and qualified. Vacancies in the membership of the board, however created, shall be filled for the unexpired term by appointment by the Governor. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

81-8,187. Repealed. Laws 2020, LB30, § 21.

81-8,188. Repealed. Laws 2020, LB30, § 21.

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

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

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

The board shall elect annually from its members a chairperson and a vice-chairperson. The board shall meet at least once a year at a time and place fixed by the board. Three members shall constitute a

Nebraska Professional Landscape Architects Act
CLARB Uniform Licensure Standard Revisions

quorum. The board may employ such technical and clerical assistants and incur such expense as may be necessary to properly carry out the Professional Landscape Architects Act.

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

The board and any committee of the board is entitled to the services of the Attorney General in the connection with the affairs of the board and may compel the attendance of witnesses, administer oaths, and take testimony and proofs concerning all matters within its jurisdiction. The Attorney General shall act as legal advisor to the board and render such legal assistance as may be necessary in carrying out the Professional Landscape Architects Act. The board may expend funds to promote licensure of professional landscape architects in this state subject to section 84-733.

81-8,191.01. Board; powers; rules and regulations; code of professional conduct; content.

The board may adopt and promulgate rules and regulations to carry out the Professional Landscape Architects Act. Such rules and regulations may include, but not be limited to, a definition of conflict of interest for board members and the appropriate procedure to follow when a conflict arises. The rules and regulations or a code of professional conduct developed by the board shall also include definitions of or a list of specific practices which constitute fraud, deceit, gross negligence, incompetence, or misconduct and the punishments for such practices which shall be used as the basis to place a professional landscape architect on probation, revoke or suspend a license, or impose a penalty pursuant to sections 81-8,205, 81-8,207, and 81-8,208.

81-8,192. Board; roster; duties.

The board shall maintain and make available to the public a complete roster of each professional landscape architect, showing his or her name and last-known address. The board may distribute a copy of the roster to each licensed person as well as county and municipal officials. The board may charge a fee for distributing the roster.

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

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

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

- (1) The board shall establish fees of no more than three hundred dollars for applications and initial certificates of licensure and annual renewals for services related to the Professional Landscape Architects Act based on the administration costs incurred by the board. The board shall collect, account for, and remit such fees to the State Treasurer for credit to the State Board of Landscape Architects Cash Fund which is hereby created. All fees are nonrefundable.
- (2) Transfers may be made from the State Board of Landscape Architects Cash Fund to the General Fund at the direction of the Legislature. Any money in the State Board of Landscape Architects Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.
- (3) Warrants for the payment of expenses and compensation as provided for in the Professional Landscape Architects Act shall be issued by the Director of Administrative Services and paid by the State Treasurer out of the State Board of Landscape Architects Cash Fund upon presentation of vouchers regularly drawn by the chairperson of the board and approved by the board. At no time shall the total amount of warrants exceed the total amount of fees collected under the act and credited to the fund.

Nebraska Professional Landscape Architects Act
CLARB Uniform Licensure Standard Revisions

81-8,195. Repealed. Laws 2020, LB30, § 21.

81-8,196. Licensure applicants; examination; eligibility; requirements.

- (1) Applications for licensure as a professional landscape architect shall be on forms prescribed and furnished by the State Board of Landscape Architects.
- (2) Applicants who hold a landscape architecture degree accredited by the Landscape Architectural Accreditation Board, Canadian Society of Landscape Architects Accreditation Council, or its equivalent as determined by the board may sit for the Landscape Architect Registration Examination as administered by the Council of Landscape Architectural Registration Boards.
- (3) The following shall be considered as the minimum evidence satisfactory to the State Board of Landscape Architects that an applicant is eligible for initial licensure, upon application, as a professional landscape architect:
 - (a) Submission of an application accompanied by the fee established by the board, in accordance with subsection (1) of section 81-8,194;
 - (b) Graduation from a program accredited by the Landscape Architectural Accreditation Board, Canadian Society of Landscape Architects Accreditation Council, or its equivalent as determined by the board;
 - (c) Passage of an examination on technical and professional subjects as prescribed by the board or its equivalent as determined by the board; and
 - (d) A record of diversified post-degree experience directly related to landscape architecture under the direct supervision of a professional landscape architect in accordance with the rules and regulations of the board.
- (4) An individual holding a license to practice landscape architecture issued by a proper authority of any jurisdiction recognized by the board, based on credentials that do not conflict with subsection (3) of this section and other provisions of the Professional Landscape Architects Act, may, upon application, be licensed as a professional landscape architect.
- (5) The board may accept the verified information contained in a valid council record issued by the Council of Landscape Architectural Registration Boards in lieu of the same information that is required on the form prescribed by the board.
- (6) Examination materials shall not be considered public records.
- (7) The board may adopt the examinations and grading procedures of the Council of Landscape Architectural Registration Boards. The board may also adopt guidelines published from time to time by the council.
- (8) Licensure shall be effective upon issuance.

81-8,197. Repealed. Laws 2020, LB30, § 21.

81-8,198. Licensee; seal; use; effect; prohibited acts; qualifications to perform professional services.

- (1) Each licensee shall provide himself or herself with a suitable seal with a uniform inscription thereon formulated by the board with which he or she shall stamp all plans, specifications, and reports prepared by him or her when required. The following shall be stated on the seal: State of Nebraska, the licensee's name, the license number, and Professional Landscape Architect.

Nebraska Professional Landscape Architects Act
CLARB Uniform Licensure Standard Revisions

- (2) Whenever the seal is applied, the licensee's signature shall be across the seal. The board may adopt and promulgate rules and regulations for application of the seal.
- (3) The seal and date of its placement shall be on all technical submissions and calculations whenever presented to a client or any public or governmental agency. It shall be unlawful for a licensee to affix his or her seal and signature or to permit his or her seal and signature to be affixed to any document after the expiration of the certificate of licensure or for the purpose of aiding or abetting any other person to evade or attempt to evade the Professional Landscape Architects Act.
- (4) The seal and date shall be placed on final plans and specifications and reports as required in such a manner that the seal, signature, and date will be reproduced and be in compliance with rules and regulations of the board, if any. The application of the licensee's seal shall constitute certification that the work was done in accordance with the act.
- (5) A landscape architect shall undertake to perform professional services only when the landscape architect is qualified by education, training, and experience in the specific technical areas involved.

81-8,198.01. Coordinating professional; designation; duties.

- (1) Landscape architecture design projects involving more than one design professional shall have a designated coordinating professional for the entire project. The coordinating professional may, but need not, provide professional services on the project. The coordinating professional shall apply his or her seal in accordance with the Engineers and Architects Regulation Act or the Professional Landscape Architects 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 any other design professional for compatibility with the design of the project.

81-8,199. Certificate of licensure; issuance; use; new or duplicate certificate, fee.

The board shall issue to any applicant who has met the requirements of the Professional Landscape Architects Act a certificate of licensure giving the licensee proper authority to carry out the prerogatives of the act. The certificate of licensure shall carry the designation Professional Landscape Architect. The certificate of licensure shall give the full name of the licensee and license number and shall be signed by two members of the board.

- (1) The certificate of licensure shall be prima facie evidence that the person is entitled to all rights, privileges, and responsibilities of a professional landscape architect while the certificate of licensure remains unrevoked and unexpired.
- (2) The board may issue a new certificate of licensure to replace any lost, destroyed, or mutilated certificate of licensure or issue a duplicate of any active certificate of licensure upon request from the licensee. A fee not to exceed fifty dollars, in accordance with subsection (1) of section 81-8,194, may be charged for each such issuance.
- (3) Any person holding a certificate of licensure under the act as of the effective date of this act, shall be deemed to be duly licensed under the act until the expiration of such certificate.

81-8,200. Certificate of licensure; expiration; notice; renewal.

Certificates of licensure shall expire on a date established by the board and shall become invalid on that date unless renewed. The board shall notify every person licensed under the Professional Landscape Architects Act of the expiration date of his or her certificate of licensure and the amount of the fee, in accordance with subsection (1) of section 81-8,194, required for renewal. The notice shall be sent at least one month in advance of the date of the expiration. Valid certificates of licensure may be renewed prior to

Nebraska Professional Landscape Architects Act
CLARB Uniform Licensure Standard Revisions

expiration upon application and payment of applicable fees. The fee to be paid on an expired certificate of licensure shall be increased by ten percent for each month or fraction of a month such payment is delayed, except that the maximum fee for a delayed renewal shall not exceed twice the amount of the original renewal fee and no renewals shall be made after one year after the expiration date, in accordance with subsection (1) of section 81-8,194. Expired licenses shall be renewed in accordance with the rules and regulations of the board. The board may require individual licensees to obtain professional development in accordance with the rules and regulations of the board.

81-8,200.01. Repealed. Laws 2020, LB30, § 21.

81-8,200.02. Repealed. Laws 2020, LB30, § 21.

81-8,201. Repealed. Laws 2020, LB30, § 21.

81-8,202. Act; enforcement; procedure.

The board shall enforce the Professional Landscape Architects Act and rules and regulations under the act, including enforcement against any unlicensed person. If any person refuses to obey any decision or order of the board, the board, or upon request of the board, the Attorney General or the appropriate county attorney, shall file an action for the enforcement of the decision or order, including injunctive relief, in the district court. After a hearing, the court shall order enforcement of the decision or order, or any part thereof, if legally and properly made by the board and, if appropriate, injunctive relief.

81-8,203. Repealed. Laws 2020, LB30, § 21.

81-8,204. Use of title; unlawful practice.

Except as provided in section 81-8,206, an individual shall not directly or indirectly engage in the practice of landscape architecture in this state or use the title of professional landscape architect or display or use any words, letters, figures, titles, signs, cards, advertisements, or other symbols or devices indicating or tending to indicate that he or she is a professional landscape architect or is practicing landscape architecture unless he or she is licensed under the Professional Landscape Architects Act. A licensee shall not aid or abet any person not licensed under the act in the practice of landscape architecture.

81-8,205. Prohibited acts; penalties.

(1) It is unlawful for any person to:

- (a) Practice or offer to practice landscape architecture in this state without being licensed in accordance with the Professional Landscape Architects Act unless such practice or offer to practice is otherwise exempt under the act;
- (b) Knowingly and intentionally employ or retain a person to practice landscape architecture in this state who is not licensed in accordance with the act unless otherwise exempt under the act;
- (c) Advertise any title or description tending to convey the impression that he or she is a professional landscape architect unless the person is duly licensed or exempt from licensure under the act;
- (d) Present or attempt to use the certificate of licensure or the seal of another person;
- (e) Give any false or forged evidence of any kind to the board or to any member of the board in obtaining or attempting to obtain a certificate of licensure;
- (f) Falsely impersonate any other licensee of like or different name;

Nebraska Professional Landscape Architects Act
CLARB Uniform Licensure Standard Revisions

- (g) Attempt to use an expired, suspended, revoked, or nonexistent certificate of licensure or attempt to engage in the practice or offer to practice landscape architecture when not qualified;
 - (h) Falsely claim that he or she is licensed or authorized under the act; or
 - (i) Otherwise violate the act.
- (2) Any person who performs any of the actions described in subsection (1) of this section is guilty of a Class III misdemeanor for the first offense and a Class II misdemeanor for the second or any subsequent offense.

81-8,206. Persons exempt from act.

- (1) The Professional Landscape Architects Act shall not apply to:
- (a) Any employee of a professional landscape architect who performs landscape architecture services under the direction and supervision of the professional landscape architect. Such services do not include responsible charge of design or the administration of construction contracts;
 - (b) Any employee who performs landscape architecture services for his or her employer when all such services are completed for a facility owned or operated by the employer and when such services are not offered to the public and do not endanger the public health, safety, or welfare;
 - (c) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state to perform services consistent with the laws of this state and the training and the code of ethics of the respective profession if such qualified member does not represent himself or herself to be a professional landscape architect; or
 - (d) Any person who seeks advice or help of any other person in planning, planting, or maintaining the planting or conservation work on any property he or she owns or controls or who does such things himself or herself.
- (2) The Professional Landscape Architects Act shall not prohibit or require compliance with the act for any person who engages in the professional occupation of city, county, or city-county planning or a planning-related occupation to undertake the activities described in subdivisions (5)(a) through (f) of section 81-8,184, so long as such person does not use the title of landscape architect or professional landscape architect.
- (3) The Professional Landscape Architects Act does not prohibit any person, officer, agent, or employee of any business entity with experience and qualifications from engaging in the occupation of growing or marketing nursery stock or to use the title landscape nurseryperson, landscape gardener, landscape designer, landscape contractor, or land developer, so long as no individual engages in the practice of landscape architecture or uses the title landscape architect or professional landscape architect unless he or she is licensed as such under the Professional Landscape Architects Act.
- (4) The Professional Landscape Architects Act does not prevent a vendor of goods, services, real estate, or materials, including nurserypersons, landscape nurserypersons, gardeners, landscape gardeners, landscape designers, general contractors registered under the Contractor Registration Act, landscape contractors, land developers, golf course architects, or golf course designers from providing drawings or graphic diagrams that are necessary for the proper layout or development of the vendor's goods, services, real estate, or materials for public or private land or arranging for the installation of the goods or materials. The Professional Landscape Architects Act also does not prevent a landscape designer or any person or firm registered under the Contractor Registration Act from engaging in, for a fee, the design of spaces utilizing plant materials and ancillary paving and building materials or

Nebraska Professional Landscape Architects Act
CLARB Uniform Licensure Standard Revisions

arranging for or engaging in the installation of the materials.

81-8,207. Complaint; enforcement; procedures.

A complaint against any person involving any matter coming within the jurisdiction of the board shall be in writing and shall be filed with the board. The complaint, at the discretion of the board, shall be heard within a reasonable time in accordance with the rules and regulations and may be heard through the use of a hearing officer. The accused shall have the right to appear personally with or without counsel, to cross-examine adverse witnesses, and to produce evidence and witnesses in his or her defense. The board shall set the time and place of the hearing and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be sent by registered mail to the accused, at his or her last-known mailing address known to the board, at least thirty days before the hearing. If after the hearing the board finds the accused has violated the Professional Landscape Architects Act or any rules or regulations adopted and promulgated under the act, it may issue any order or take any action described in section 81-8,208. If the board finds no violation, it shall enter an order dismissing the complaint. If the order revokes, suspends, or cancels a license, the board shall notify the licensee and the Secretary of State in writing. The board may reissue a license that has been revoked. An application for the reissuance of a license shall be made in such a manner as the board directs and shall be accompanied by a fee established by the board, in accordance with subsection (1) of section 81-8,194.

81-8,208. Disciplinary actions authorized; civil penalties.

- (1) The board, after hearing and upon proof satisfactory to the board, may determine by a two-thirds majority vote that any person has violated the Professional Landscape Architects Act or any rule or regulation under the act.
- (2) Upon a finding that a person has committed a violation, one or more of the following actions may be taken against such person upon a two-thirds majority vote of the board:
 - (a) Issuance of a censure or reprimand;
 - (b) Suspension of judgment;
 - (c) Placement of the offender on probation;
 - (d) Placement of a limitation or limitations on a licensee and upon the privilege of a licensee to engage in the practice of landscape architecture to the extent, scope, or type of landscape architecture practice for such time and under such conditions as are found necessary and proper;
 - (e) Imposition of a civil penalty not to exceed ten thousand dollars for each offense. The amount of the penalty shall be based on the severity of the violation;
 - (f) Entrance of an order of revocation or suspension of the certificate of licensure;
 - (g) Issuance of a cease and desist order;
 - (h) Imposition of costs as in an ordinary civil action in the district court, which may include reasonable attorney's fees and hearing officer fees incurred by the board and the expenses of any investigation undertaken by the board; or
 - (i) Dismissal of the action.
- (3) The board may take into account suitable evidence of reform when determining appropriate action.
- (4) Civil penalties collected under subdivision (2)(e) of this section shall be remitted to the State Treasury for

Nebraska Professional Landscape Architects Act
CLARB Uniform Licensure Standard Revisions

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

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