

LEGISLATIVE BILL 98

Approved by the Governor March 5, 1971

Introduced by Fern Hubbard Orme, 29th District; Donald Elrod, 35th District; Willard H. Waldo, 31st District

AN ACT to amend sections 81-8,184, 81-8,185, 81-8,186, 81-8,194, 81-8,202, 81-8,204, and 81-8,206, Revised Statutes Supplement, 1969, relating to landscape architects; to redefine a term; to eliminate unconstitutional matter; to create a cash fund; to provide for suspensions; to provide for appeals; to change restrictions; to provide exceptions; and to repeal the original sections, and also section 81-8,207, Revised Statutes Supplement, 1969.

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

Section 1. That section 81-8,184, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,184. As used in sections 81-8,184 to 81-8,208, unless the context otherwise requires:

(1) Professional landscape architect shall mean a person, who, by reason of his knowledge acquired by professional education or practical experience, or both, is qualified to practice landscape architecture as provided in sections 81-8,184 to 81-8,208;

(2) The practice of professional landscape architecture shall mean 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. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes

outlined herein but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities, such as are ordinarily included in the practice of engineering or architecture; and shall not include the making of land surveys or final land plats for official approval or recording. Nothing contained in sections 81-8,184 to 81-8,208 shall preclude a duly licensed landscape architect from performing any of the services described in the first sentence of this subdivision in connection with the settings, approaches or environment for buildings, structures or facilities. Nothing contained in sections 81-8,184 to 81-8,208 shall be construed as authorizing a landscape architect to engage in the practice of architecture, engineering, or land surveying; Provided, that nothing in sections 81-8,184 to 81-8,208 shall prohibit any persons, firm or corporation, their officers, agents or employees, from ~~performing--any--of--the--services--described--in--this section,--where--such--services--are--performed--or--provided as--a--part--of--or~~ preparing planting plans for plant materials in connection with the sale ~~or--proposed--sale at--retail--or--wholesale~~ of any 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; and

(3) Board shall mean the State Board of Landscape Architects created by the provisions of sections 81-8,184 to 81-8,208.

Sec. 2. That section 81-8,185, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,185. No person shall practice landscape architecture or use or advertise any sign, title, or description tending to imply or designate that such a person is a professional landscape architect unless he is certified registered as such as provided in sections 81-8,184 to 81-8,208. Every holder of a registration certificate shall display it in a conspicuous place at his place of business.

Sec. 3. That section 81-8,186, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,186. There is hereby created a State Board of Landscape Architects consisting of five members who shall be appointed by the Governor, ~~from a list of names supplied by the Nebraska Section of the American Society of Landscape Architects.~~ Each member of the board shall be a professional landscape architect and shall have been a resident of this state for at least one year immediately preceding his appointment.

Sec. 4. That section 81-8,194, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,194. The board shall collect and account for all fees provided for under the provisions of sections 81-8,184 to 81-8,208 and pay the same into the state treasury and which, by the State Treasurer, shall be credited to the General State Board of Landscape Architects Cash Fund which is hereby created.

Sec. 5. That section 81-8,202, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,202. The board shall have the power by a four-fifths vote of the entire board to revoke or suspend the certificate of any professional landscape architect registered under the provisions of sections 81-8,184 to 81-8,208 whom it finds guilty of violating the code of ethics of the Nebraska Section of the American Society of Landscape Architects standards for professional landscape architects established by the board. Such person shall have the right to appeal the revocation or suspension of his certificate of registration ~~by the board through a hearing before a board of appeals appointed by the Executive Committee from the membership of the Nebraska Section of the American Society of Landscape Architects. Both the appellant and a spokesman for the board shall be heard. The decision of the board of appeals shall be final in the manner provided by Chapter 84, article 9.~~

Sec. 6. That section 81-8,204, Revised Statutes Supplement, 1969, be amended to read as follows:

81-8,204. Any No person who is not qualified to shall practice as a professional landscape architect by or under the provisions of sections 81-8,184 to 81-8,208 may not so practice or in any manner designate himself a landscape architect unless he has been issued a certificate of registration pursuant to sections

81-8,184 to 81-8,208. If such unqualified person does practice or attempt to practice under the designation landscape architect, he may be restrained under permanent injunction.

Sec. 7. That section 81-8,206, Revised Statutes Supplement, 1969, be amended to read as follows:

~~81-8,206. (1)--Every--registered--professional architect and engineer is exempt from registration under the provisions of sections 81-8,184 to 81-8,208 but may not use the title landscape architect without complying with the provisions of sections 81-8,184 to 81-8,208.~~

~~(2) Sections--81-8,184--to--81-8,208--shall--not prohibit any person from seeking advice or help of any other person in planning, planting or maintaining the plantings on any property he owns or controls or from doing such things himself. The provisions of sections 81-8,184 to 81-8,208 shall not apply to:~~

(1) Any person who is an employee of a registered landscape architect and who performs landscape architectural work under the direction and supervision of a registered landscape architect, but such work shall not include responsible change of design or administration of construction contracts:

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

(3) Any registered professional architect or engineer, but such architect or engineer may not use the title landscape architect unless he is registered pursuant to sections 81-8,184 to 81-8,208; or

(4) 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 owns or controls or who does such things himself.

Sec. 8. That original sections 81-8,184, 81-8,185, 81-8,186, 81-8,194, 81-8,202, 81-8,204, and 81-8,206, Revised Statutes Supplement, 1969, and also section 81-8,207, Revised Statutes Supplement, 1969, are repealed.