



Landscape Architecture Licensure Laws

ASLA Summary of Provisions

NEBRASKA

Nebraska Statutes: 81-8,184 to 81-8,208

Nebraska Administrative Code: Title 231, Chapters 1-12

Type of Law: Practice/title act.

Board of Landscape Architects

The board consists of five landscape architects and one public member appointed by the Governor. Financed through licensing fees deposited in the State Board of Landscape Architects Cash Fund.

Powers: Adopt and promulgate all necessary bylaws and rules including a code of professional conduct and a program of professional development.

Definitions

Professional landscape architect: A person, who, by reason of knowledge acquired by professional education or practical experience, or both, is qualified to practice landscape architecture as provided by the law.

Practice of professional landscape architecture: 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 includes the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined herein but does 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 does not include the making of land surveys or final land plats for official approval or recording. Nothing in the law precludes a landscape architect from performing any of the services described above in connection with the settings, approaches or environment for buildings, structures or facilities. A landscape architect is not authorized to engage in the practice of architecture, engineering, or land surveying.

Exemptions

Interprofessional practice: The law exempts architects and engineers but does not allow them to use the title landscape architect.

Exempt persons:

- An employee of a landscape architect who performs landscape architectural work under the direction and supervision of a landscape architect. Such work, however, may not include responsible change of design or administration of construction contracts.
- A full time employee who performs landscape architectural work for his or her 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.

Note: Bracketed [] material is drawn from regulations.



- Any person seeking 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.
- Persons, firms or corporations, their officers, agents or employees, who prepare 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.

Eligibility Requirements – Initial Licensure

[Candidates must meet the minimum standards of eligibility, as established by CLARB, including examination.]

[Fee: Application, \$300. Initial license, \$170. Annual renewal, \$170.]

The terms "practical experience" and "training" are interchangeable, meaning permanent employment in landscape architecture under the direction and supervision of an individual licensed to practice landscape architecture or other approved licensed professionals. The Board may use the CLARB Certification Standards as a guide for determining the adequacy of the practical experience.

Eligibility Requirements – Reciprocal Licensure

[CLARB certificate and licensure in another state or Canadian province with equivalent requirements to those of Nebraska.]

[Fee: Application, \$300. Initial license, \$170. Annual renewal, \$170.]

Practice Entities

No provisions.

Seal Requirements

Plans, specifications and reports prepared by the licensee must be stamped with the official seal.

Enforcement

Board powers: Compel the attendance of witnesses; take testimony and proofs and administer oaths. The attorney general provides legal counsel. The board may: deny an application for licensure; revoke or suspend licenses; issue reprimands; impose probation; or restrict the authorized scope of practice.

Prohibitions/penalties: The following acts are classified as a Class III misdemeanor which carries a penalty of a maximum of three months imprisonment or a fine of \$500, or both: practicing landscape architecture without a valid license; using the title "landscape architect" to convey the impression that one is a licensed landscape architect; presenting as one's own the license of another; giving false or forged evidence to the board for the purpose of obtaining a license; using or attempting to use a license which has been suspended, revoked, or placed on inactive status; employing an unlicensed person to practice landscape architecture except as allowed; aiding or abetting unlicensed practice; sealing plans, specifications, or documents prepared by others not under the direction or supervision of the landscape architect; concealing information regarding violations of the law or rules; allowing or being a party to transgressions or infringements of the Rules of Professional Conduct.

The board may designate disciplinary action (deny, revoke, suspend, reprimand, probation, or restrictive practice) for the following grounds: having had a license suspended or revoked by another jurisdiction and the cause would constitute a violation of Nebraska law; being convicted, regardless of adjudication, of a misdemeanor or felony in any jurisdiction which directly relates to the practice of landscape architecture or the ability to practice landscape architecture; making or filing a report or record that the landscape architect

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American Society of Landscape Architects

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knows to be false; willfully failing to file (or impeding the filing of) a report or record required by state or federal law; advertising goods or services in a manner that is fraudulent, false, deceptive or misleading in form or content; fraud, deceit, negligence, incompetence, or misconduct in the practice of landscape architecture; practicing on a revoked, suspended, or invalid license; aiding or abetting the practice of landscape architecture by an unlicensed person; bribery to obtain a license; violating a permanent injunction issued by the board; endorsing any document which the licensee did not actually prepare or supervise the preparation of; falsely impersonating another practitioner of like or different name.

Prohibitions/penalties for unlicensed practice: Practicing, attempting to practice or representing one's self to the public by use of the title professional landscape architect by an unlicensed person is prohibited. Violators may be restrained under a permanent injunction. Violation of such a permanent injunction is a Class III misdemeanor which carries a penalty of a maximum of three months imprisonment or a fine of \$500, or both.

Mandatory Continuing Education

Nebraska requires licensees to complete 15 contact hours of continuing education for each annual renewal period.

Administration:

- Directs the board to appoint a 3-member Peer Review Committee to review the required CE documentation submitted by each licensee, then report to the board its recommendations regarding licensee compliance with the CE requirements
- Licensee CE reports may, at the request of the board, be selected for an audit

Activities:

- Appropriate subjects include consultations, investigation, research, planning, design, preparation of drawings, specifications, contract documents, reports, responsible construction observation or landscape management, in connection with the planning and development of land and incidental water areas where the primary purpose of the program is the preservation, conservation, enhancement or restoration of landscape systems, plant communities or aesthetic values, or the determination of proper land uses and land development
- CE must be earned at collegiate level institutions, or through professional level seminars, conferences, study tours and self-paced CE programs offered for the purpose of keeping the licensee apprised of advancements and new developments in the professional service areas
- Professional personal development of leadership, creativity, communication and computer application skills as they relate to the practice of landscape architecture
- Professional practice management including project management, quality assurance, supervision of technical staff and business ethics
- Up to 4 CH may be obtained through self-study courses, including include reading professional journals, periodicals or professional oriented books and visits to sites for observation of landscape architectural projects, research projects, ecological or land restoration projects and natural environmental areas

Recordkeeping: Licensee has responsibility for maintaining two-year record. The forms must be submitted with the annual renewal.

Last updated April 10, 2013

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