

Nebraska State Board of Landscape Architects  
**Statute Revision Task Force Meeting Notes**  
**August 26, 2014**

**P-MRNRD offices at Chalco Hills Recreational Site, Small Conference Room, Omaha, NE**

**CALL TO ORDER**

The meeting was called to order at 3:09 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 (Absent)

Ken Backman

Brad Swerczek

John Royster

Todd Maiellaro (Board Member)

Dennis Bryers (Board President)

**Public Comments:**

None.

**A Approval of Minutes from Previous Meeting**

It was moved and seconded (Backman/Royster) to approve the minutes from the previous meeting of July 24, 2014 as submitted by Board Member Maiellaro. Motion passed. Voting Yes: Slaven, Backman, Swerczek, Royster; Voting No: None.

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

Ken Backman reviewed the comments gathered from the other members of the committee on proposed changes to the State of Nebraska Professional Landscape Architects Act. Members sent proposed changes to Ken to be combined into one document for Committee review and approval before submittal to the Board. Some of the items discussed included:

- It will be important to verify the official titles of the geologists and land surveyors if referenced in the changes.
- The Committee discussed that the Board should continue to work with related design professionals and those in the industry related to our field.
- The Exemptions section in the original Act should be moved to an Exemption Section, similar to the CLARB model. All exemptions of the original law should be revised at this time as well. Ken will review and prioritize existing and proposed exemptions in draft form and submit to Committee Members for their review and comment prior to final submission to the Board by September 5<sup>th</sup>.

Motion (Royster/Swerczek) to approve the changes set forth and changed as per Ken's proposed summary document regarding the Purpose of the Act and to define the Practice of Landscape

Architecture with minor revisions as discussed in the meeting to be forward to the Board for their Approval. The review and consolidation of the existing exemptions, as noted above, shall also be included in this motion and included as part of submission to the Board.

Motion passed. Voting Yes: Slaven, Backman, Swerczek, Royster; Voting No: None.

Meeting Adjourned at 4:27 pm.

Attachment (Ken's redline copy)

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** – The Professional Landscape Architect who is responsible for the design, coordination of various professional disciplines involved in a project, and the administrative aspects of a 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~~ Development of feasibility and site selection 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, site and comprehensive development 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 sites, landforms, water features and water bodies, site grading, storm water drainage and management, sediment and erosion control, non-inhabitable structures, park and recreation facilities, vehicular roadways and parkways, equestrian, bicycle and pedestrian, bicycle and

vehicular circulation systems, site lighting, irrigation, plantings, related construction details and specifications, and

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

The following are services related to the practice of landscape architecture:

1. Construction observation.
2. Project coordination and review of technical submissions, plans and construction documents.
3. Collaboration with architects, professional engineers, geologists and land surveyors in the design of buildings and structures; streets, highways and bridges; topographic, geological and soil formations; site development of comprehensive plans and plats with respect to the functional and aesthetic requirements of the area in which such facilities are to be placed.

~~(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.

A landscape architect shall undertake to perform professional services only when the landscape architect is licensed and qualified by education, training and experience in the specific technical area(s) involved. This shall not prohibit a landscape architect from engaging individuals to perform professional services outside the scope of the landscape architect's qualifications as consultants.

~~(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, geologist, 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.~~
2. Nothing in this Act shall prohibit any person, firm, or corporation or their officers, agents, or employees with educational training and qualifications by a degree or certificate in horticulture or landscape design from the preparation of planting plans in the location of plants, trees, shrubs, flowers, sod, or other plant materials planned for indoor or outdoor areas. This exemption is limited to the preparation of planting plans, and does not construe any additional professional services or practice of landscape architecture.
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. ~~Others preparing technical documents for compatibility with project design shall remain responsible for their document content.~~ Others providing design services and preparing technical documents as part of the project design shall remain responsible for the competency of those design services and the technical content of the documents prepared.
3. Notwithstanding the provisions of section 81-3437, 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 Engineers and Architects Regulation Act.

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