

## LEGISLATIVE BILL 477

Approved by the Governor February 7, 1984

Introduced by Warner, 25; Kilgarin, 7; Wagner, 41;  
Goodrich, 20; L. Johnson, 15; Kahle, 37;  
Marsh, 29; Morehead, 30; H. Peterson, 35

AN ACT relating to professional landscape architects; to amend sections 81-8,186, 81-8,187, 81-8,194, 81-8,195, 81-8,197, 81-8,199 to 81-8,202, and 81-8,208, Reissue Revised Statutes of Nebraska, 1943; to reestablish the State Board of Landscape Architects; to provide intent; to change the membership of the board; to change provisions relating to registration of landscape architects as prescribed; to provide for professional development as prescribed; to change provisions relating to fees; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. 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.

Sec. 2. Notwithstanding the provisions of sections 81-196 to 81-1,108, the State Board of Landscape Architects is hereby reestablished.

Sec. 3. That section 81-8,186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,186. There is hereby created a State Board of Landscape Architects consisting of six five members who shall be appointed by the Governor. Five members Each member of the board shall be a professional landscape architects and one member shall be a lay person of the age of legal majority who shall represent consumer viewpoints but shall not judge professional competency. All members ~~architects~~ and shall have been residents a resident of this state for at least one year immediately preceding ~~his~~ appointment their appointments.

Sec. 4. That section 81-8,187, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,187. The term of office of the members appointed to the board shall be for five years and until their successors are appointed and qualified, except that of the members first appointed, one shall be appointed for

one year, one for two years, one for three years, one for four years, and one for five years. The lay person appointed to the board shall serve a five-year term. As their terms expire, their successors shall be appointed for a term of five years.

Sec. 5. That section 81-8,194, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,194. The board shall establish fees of not less than twenty nor more than one hundred dollars for applications for registration, examinations, certificates of registration, reciprocal registrations, and renewals based on the administration costs incurred by the board. The board shall collect and account for such ~~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 State Board of Landscape Architects Cash Fund which is hereby created.

Sec. 6. That section 81-8,195, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,195. Applications for registration shall be on forms prescribed and furnished by the board, and shall contain statements made under oath, showing the applicant's education and a detailed summary of his or her technical work. Applications for registration shall be accompanied by an application fee ~~of forty dollars~~ in an amount determined by the board.

Sec. 7. That section 81-8,197, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,197. Examinations shall be given at stated or called meetings of the board. The board shall adopt and publish the rules and regulations for the scope of the examinations and methods of procedure. The board shall file a report after the close of each examination showing the action of the board upon each application and each applicant shall be notified of the result of his or her examination. An applicant who fails an examination may apply for one reexamination at the next examination conducted by the board without payment of an additional fee. Applications for reexamination after a period of one year or subsequent reexaminations may be granted upon payment of a fee ~~of in twenty-five dollars~~ an amount determined by the board.

Sec. 8. That section 81-8,199, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,199. The board shall issue a certificate of registration as a professional landscape architect to each successful applicant upon payment of the annual fee. Each certificate shall be signed by two members the chairman and vice-chairman of the board under the seal of the board, which shall authorize the applicant to practice professional landscape architecture as defined in sections 81-8,184 to 81-8,208.

Sec. 9. That section 81-8,200, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,200. Certificates of registration shall expire on the last day of December following their issuance or renewal and shall become invalid on that date unless renewed before the expiration date with the payment of a fee of fifty dollars in an amount the board shall determine. The board shall notify every person registered under the provisions of sections 81-8,184 to 81-8,208 of the expiration date of his or her certificate and the amount of the annual renewal fee at least one month in advance. The fee to be paid for the renewal of a certificate after December 31 shall be increased by ten per cent 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 a lapse of one year from the original expiration date thereof. Renewal fees shall not be required while the landscape architect is on active duty with the armed forces of the United States. Application for renewal of a lapsed registration shall be in the same manner as provided for an original application pursuant to section 81-8,196. The failure to renew any certificate annually during or before the month of December shall require the charge of a delinquent fee of an additional three dollars per year for each year or fraction of a year that payment of renewal is delayed; Provided, that the maximum additional delinquent fee shall not exceed ten dollars. Renewal fees shall not be required while the landscape architect is on active duty with the armed forces of the United States.

Sec. 10. That section 81-8,201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,201. The board may certify for registration without examination any applicant who is legally registered as a professional landscape architect in any other state or country whose requirements for registration are at least substantially equivalent to or higher than requirements of the provisions of sections 81-8,184 to 81-8,208 and which extends the same privileges of reciprocity to landscape architects registered in this state and who has actively practiced for at least one of the three years immediately preceding the application for registration without examination. The application for reciprocal registration shall be accompanied by a fee of fifty dollars in an amount the board shall determine.

Sec. 11. That section 81-8,202, Reissue Revised Statutes of Nebraska, 1943, 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 place a registered landscape architect on probation or 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 (1) deceit in obtaining a certificate, (2) fraud, (3) gross negligence, (4) incompetency, or (5) misconduct in the practice of professional landscape architecture, violating the standards for professional landscape architects established by the board. Such person shall have the right to appeal the revocation or suspension of his or her certificate of registration in the manner provided by Chapter 84, article 9.

Sec. 12. (1) Beginning in 1986, as a condition for renewal of a certificate of registration issued pursuant to sections 81-8,184 to 81-8,208, a certificate holder shall be required to successfully complete fifteen hours of professional development within the preceding calendar year.

(2) The State Board of Landscape Architects shall not renew the certificate of registration of any certificate holder who has failed to complete the professional development requirements pursuant to subsection (1) of this section, unless he or she can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the registered landscape architect to make up all outstanding required hours of professional development.

Sec. 13. The State Board of Landscape Architects shall adopt and promulgate such administrative procedures and rules and regulations as are necessary for the effective delivery and certification of all programs of professional development required in section 12 of this act.

Sec. 14. The State Board of Landscape Architects shall have the power to adopt and promulgate all bylaws and rules and regulations, not inconsistent with law, which are needed in performing its duties. Such rules and regulations shall 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 landscape architect on probation or revoke or suspend a registration pursuant to section 81-8,202.

Sec. 15. That section 81-8,208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,208. Sections 81-8,184 to 81-8,208 and sections 1 and 12 to 14 of this act shall be known and may be cited as the Professional Landscape Architects Act.

Sec. 16. That original sections 81-8,186,

81-8,187, 81-8,194, 81-8,195, 81-8,197, 81-8,199 to 81-8,202, and 81-8,208, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 17. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.