

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended, Be Printed Engrossed, and Be Placed on the Consent Calendar

Vote: 10 - 0 - 0

Yeas: Barton, Cameron, Edwards C., Esquivel, Holvey, Kennemer, Matthews, Thatcher, Witt, Schaufler

Nays: 0

Exc.: 0

Prepared By: Theresa Van Winkle, Administrator

Meeting Dates: 5/13, 5/22

WHAT THE MEASURE DOES: Requires a landscape contractor license for persons maintaining ornamental irrigation systems using compressed air. Authorizes plumbers to install irrigation system piping designed by a landscape contractor or landscape architect. Exempts property owner employees from landscape contractor licensing for landscaping work performed on that property. Prohibits persons otherwise exempt from licensing as a landscape contractor from representing in any manner to be a landscape contractor. Clarifies that a landscape contracting business that is operating within the scope of an issued license is exempted from construction contracting law.

ISSUES DISCUSSED:

- Proposed amendments regarding licensure for certain types of commercial and residential pesticide application
- Scope of practice for landscape contractors and landscape architects

EFFECT OF COMMITTEE AMENDMENT: Removes a duplicate exemption regarding the application of activities within the practice of landscape architecture. Clarifies that a landscape contracting business that is operating within the scope of an issued license is exempted from construction contracting law.

BACKGROUND: Oregon law requires anyone in the State of Oregon who advertises, operates as, or uses the title of a landscape construction professional or landscape contracting business, to be licensed with the Landscape Contractors Board (LCB). There are two licenses required with the LCB: a landscape construction professional license for individuals, and a landscape business license for the employing business. A landscape construction professional cannot offer landscape contracting services unless the individual is an owner or employed by a licensed landscape contracting business.

Landscaping is defined to include planning and installing lawns, shrubs, vines, trees or nursery stock (including the preparation of the property on which the vegetation is to be installed), fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls as well as planning, constructing or repairing ornamental water features, drainage systems, and irrigation systems. Because the improper use of compressed air can force contaminants into potable water systems, SB 147-B adds maintenance of irrigation systems using compressed air to the definition of landscaping; thus, requiring a license.