

Dear Senators and staff of the Committee on Business and General Government (special attention Senator Alan Olsen),

It has come to my attention that your committee is reviewing Senate Bill 935 this week and I am writing with some serious concerns regarding the impact of this bill were it to pass the legislature. I am hoping you will see the clear flaws and and potential for legal conflict with this bill and kill it immediately.

Senator Heard (a licensed landscaper in Oregon) has introduced a bill that will forbid anyone who holds a General Contractor's License in Oregon from obtaining a modified landscape construction professional license. His rationale seems to be that "General Contractors" would somehow be able to "corner the market" on landscaping work if they could receive this license? It seems that a bill authored by a contractor holding one license, forbidding contractors who hold another license from obtaining a license such as the one he holds would easily be viewed as unethical in nature and as a clearly biased approach.

According to my understanding, The Landscape Contractors Board of the State of Oregon after careful consideration over the past year has recently affected a new modified license through administrative rule that came into effect at the beginning of February. The Board enacted fair and reasonable changes in coming up with a new "Modified License" that makes it much easier for those not in the Landscaping Industry to get started and to hold a limited license. This new license does not include any such exclusion as Mr. Heard is now requesting in his bill. The Board appears to have wisely acted in a way that shows understanding that such an exclusion could easily be viewed as an unfair restriction on competition and that this type of restriction could undergo huge legal challenges that could cause great expense to the Agency and State Government in trying to defend such a challenge. Currently, General Contractors are able to obtain this modified license or any other landscaping license. There are many contractors who currently hold both Landscape and General Construction licenses through the CCB. It is certainly more difficult to obtain a full All-Phase landscaping license than the new modified license. The requirements are less. Sooooo....how can a decision be made to tell a General Contractor who has the experience and background needed to get a full landscaping license that they cannot obtain or receive a license that is more limited in scope and has less requirements to qualify for it? This makes no common sense, nor does it help consumers in any fashion. Limiting who can obtain a license needs to be for much more substantial reasons than has been expressed by the biased opinion of Mr. Heard who appears that he may desire to limit his competition in the Landscaping industry.

Another section of this bill is allowing for the design and installation of irrigation systems that have less than four zones or provide a flow rate of more than 12 gallons a minute. The language alone here should be a hint that installing an irrigation system takes specialized knowledge, experience and instruction to correctly accomplish. Currently, the only licensees who can install an irrigation system of any kind in Oregon are those who have passed irrigation and backflow tests with the Landscape Contractors Board. Does the legislature really wish to take away this requirement and allow anyone who is beginning in this industry the opportunity to start installing irrigations systems? If you were to check with instructors at the college level, or any experienced irrigation installer, they will tell you that to properly do this sort of work, there are many factors that need to be considered and that even the best of them consider doing this correctly a sort of art form where they have to test the systems and often times make changes and tweak it to get it to work properly after initial installation. The risk to consumers seems very high here. The recently enacted Modified license that the Landscape Contractors Board has put in place is reasonable. It allows holders of the new Modified License to install plants and sod and to work on basic pavers, pathways, decks and fences projects of limited scope. Who better to make this decision than the Landscape Contractors Board who hear and make judgements on the claims that are filed by consumers when this kind of work is not carried out properly. If they did not include irrigation in the new Modified License that they enacted by administrative rule earlier this year, it seems they must have had some good reasons for that?

In closing, I would like to again encourage you to kill this bill in committee. It is clearly presented from a biased source, It's restriction to CCB General Contractors could very well be open to legal challenge (even possible class action type of lawsuit), causing the Agency and State untold headaches

and expenses to defend. This would be a terrible use of tax dollars and state revenues trying to defend a flawed bill when it should simply not be considered, and especially in light of the Landscape Contractors Board recent action to enact a Modified License through administrative rule that is currently reasonable and in place with the potential to allow many more people to more easily enter the work force as landscapers should they desire. I believe that is what Senator Heard desired when he first submitted a previous bill as a representative. I believe he should be content that his efforts have not been wasted and that positive changes have happened with the new Modified Licensed that is now in place. I haven't checked with the Landscape Board regarding statistics, but I would encourage the committee to contact them for any information you might desire that could help you in making a wise decision on this bill if you need anything else.

My very best regards!

A Concerned Constiuent of the State of Oregon