

SB 935 A STAFF MEASURE SUMMARY

Carrier: Rep. Hernandez

House Committee On Business and Labor

Action Date: 05/20/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 10-0-1-0

Yeas: 10 - Barker, Barreto, Boles, Bonham, Boshart Davis, Bynum, Clem, Doherty, Evans, Fahey

Exc: 1 - Holvey

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 5/1, 5/20

WHAT THE MEASURE DOES:

Requires Landscape Contractors Board to issue modified landscape construction professional license to person who pays specified fees. Prohibits Board from issuing modified license to person licensed as construction contractor. Limits scope of work for modified license holder. Authorizes Board to further limit scope of work of modified license holder. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Existing modified license does not allow irrigation work
- Homeowners' right to design and install irrigation systems themselves
- Cost to applicant to take practical skills test as opposed to written examination
- Potential for water waste and contamination if irrigation system not properly designed and installed
- Efforts to increase passage rate of those taking written examination
- Protecting consumers through licensing requirements
- Whether prohibiting general contractors from obtaining modified license is unconstitutional restraint against competition

EFFECT OF AMENDMENT:

Removes authorization for holder of modified license to design or install irrigation systems.

BACKGROUND:

Landscape construction professionals plan and prepare land for installing lawns and nursery stock; construct or repair irrigation and drainage systems and ornamental water features; and plan and install fences, decks, arbor, patios, driveways, and retaining walls. Current statute prohibits a landscape construction professional from operating without a valid license. The Landscape Contractors Board of Oregon administers and enforces licensing standards for landscape contracting businesses and landscape construction professionals. Applicants for a landscape professional license must demonstrate specified experience and pass an examination.

Effective February 1, 2019, the Board adopted a modified license that allows an applicant with one year of landscape related experience who passes the laws, rules, and business practices portion of the license exam to perform a limited scope of landscape contractor work on projects not exceeding \$5,000 in value. A modified licensee may not install or perform work on irrigation, backflow prevention, drainage, ornamental water features, low-voltage lighting, or retaining walls. The Board may require the holder of a modified license to obtain a bond not exceeding \$3,000.

Senate Bill 935-A requires the Board to issue a modified landscape professional license to an applicant who pays an application fee. Licensed construction contractors may not obtain a modified landscape professional license. The modified license is not subject to any experience or examination requirements. Holders of a modified license

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may not install or maintain decks attached to a dwelling. The measure allows the Board to further restrict the scope of the work performed by modified landscape professional license holders.