

SB 935 -2, -6 STAFF MEASURE SUMMARY

House Committee On Business and Labor

Prepared By: Jan Nordlund, LPRO Analyst

Meeting Dates: 5/1, 5/20

WHAT THE MEASURE DOES:

Requires Landscape Contractors Board (LCB) to issue modified landscape construction professional license to person who pays specified fees. Prohibits LCB from issuing modified license to person licensed as construction contractor. Limits authorized scope of work for modified license holder. Authorizes LCB 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
- Cost to applicant taking practical skills test and how Board is funded
- 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:

-2 Requested by Rep. Hernandez. Removes authorization for holder of modified license to design or install irrigation systems.

-6 Requested by Rep. Bonham. Directs Landscape Contractors Board to establish and administer scholarship program to provide assistance to individuals applying to obtain or maintain a landscape professional license, a limited or specialty license, or a probationary license. Allows Board to accept gifts and grants from public and private sources.

BACKGROUND:

Landscape construction professionals plan, prepare land, install, and maintain landscape, water features, drainage systems, and irrigation systems. Current statute prohibits a landscape construction professional from operating without a valid license. The Landscape Contractors Board of Oregon (LCB) 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 to determine the fitness of the applicant.

Effective February 1, 2019, LCB 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 perform work on drainage, ornamental water features, irrigation, backflow, low-voltage lighting, or retaining walls. The LCB may require the holder of a modified license to obtain a bond not exceeding \$3,000.

Senate Bill 935 requires the LCB to issue a modified landscape professional license to an applicant that 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 may not install or maintain decks attached to a dwelling, make connections to an irrigation system or electrical source

SB 935 -2, -6 STAFF MEASURE SUMMARY

or water supply, or design and install an irrigation system over a specified size. The measure allows the LCB to further restrict the scope of the work performed by modified landscape professional license holders.

Senate vote: 25-4

PRELIMINARY