

SB 935 STAFF MEASURE SUMMARY

Carrier: Sen. Heard

Senate Committee On Business and General Government

Action Date: 03/26/19

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Girod, Hass, Olsen, Riley

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 3/26

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:

- Barriers to entry for landscape contractors and prevalence of unlicensed work
- Local government water conservation plans and risk of improperly designed irrigation systems
- Recent LCB rulemaking to establish modified landscape contractor license and comparison to proposed modified license
- Relative merits and risks of reducing education and experience requirements for licensed landscape contractors

EFFECT OF AMENDMENT:

No amendment.

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.

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 experience and 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 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.