

A-Engrossed
House Bill 3304

Ordered by the House April 27
Including House Amendments dated April 27

Sponsored by Representatives NEARMAN, HEARD, WITT; Representative SMITH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Eliminates examination and experience requirements for licensing as landscape construction professional. Eliminates probationary landscape construction professional license. Eliminates examination and education requirements for landscape contracting business license applicants.]

Allows applicant for licensing as landscape construction professional to take practical skills test and attend class on landscape contracting business practices as alternative to taking written examination. Provides guidelines for carrying out of practical skills test and business practices class.

Provides that fees paid by applicants taking practical skills test be set in amount sufficient to fully offset cost of practical skills testing and business practices class. Allows State Landscape Contractors Board to subcontract or otherwise arrange for third party carrying out of practical skills testing or business practices class.

Requires board to make practical skills testing and business practices class available no later than May 1, 2016. Requires board to report to Legislative Assembly no later than September 15, 2016, regarding implementation of practical skills test and business practices class.

Requires board to make written examination for licensing as landscape construction professional available upon applicant request in format having instructions and questions in English followed by Spanish translation. Applies to examinations offered on or after January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to licenses issued by the State Landscape Contractors Board; creating new provisions;
3 amending ORS 671.570; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) The State Landscape Contractors Board shall establish a practical skills**
6 **test for persons applying for a landscape construction professional license under ORS 671.570.**
7 **The board shall allow a person applying under ORS 671.570 the option of satisfying the ex-**
8 **amination requirement under ORS 671.570 (1)(d) either by passing a written examination ap-**
9 **proved by the board or by passing the practical skills test and attending the business**
10 **practices class described in this section.**

11 **(2) The board shall make practical skills testing available during three Monday through**
12 **Friday periods each year. The periods shall begin:**

13 **(a) Between March 1 and May 1;**

14 **(b) Between June 1 and August 1; and**

15 **(c) Between September 1 and November 1.**

16 **(3) The board shall design the practical skills test to determine whether the applicant has**
17 **the ability to perform the tasks most commonly required of a landscape construction pro-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 fessional in a manner meeting or exceeding industry standards. The board shall design the
2 test to have a reasonable expected completion time that is less than eight hours. The board
3 may not test the ability of an applicant to make an installation described in ORS 671.520
4 (1)(e).

5 (4) The board shall supply a site for practical skills testing that has adequate lighting and
6 is free from extreme temperatures, high winds and heavy rainfall. The practical skills test
7 must be conducted within an eight-hour period on a single day.

8 (5) The board shall evaluate task performance during a practical skills test by use of a
9 standardized scoring checklist. If the evaluator determines that an item on the checklist
10 was not performed in a manner meeting or exceeding industry standards, the board shall
11 provide written comments explaining in detail why the performance was unsatisfactory. The
12 board shall establish the minimum score for passage of a practical skills test to be 70 percent
13 of the maximum possible score. If an applicant does not pass a practical skills test, the board
14 shall allow the applicant to review the checklist and written comments. If the applicant takes
15 the practical skills test prior to the last day of a test availability period described in sub-
16 section (2) of this section, the board shall allow the applicant the opportunity to pay a new
17 examination fee and retake the test during that same availability period.

18 (6) The board shall offer or approve a class on landscape contracting business practices,
19 not to exceed six hours in length. The class shall be offered to applicants who have suc-
20 cessfully completed the practical skills test and be available during the same periods that
21 practical skills testing is available. The board may not test applicants on the class content.
22 An applicant who passes the practical skills test and attends the business practices class
23 satisfies the examination requirement established in ORS 671.570 (1)(d).

24 (7) The board shall establish fees for applicants described in this section in amounts
25 reasonably calculated to offset the full program cost of conducting the practical skills test
26 and business practices class described in this section.

27 (8) The board may subcontract or otherwise arrange for a third party to carry out any
28 duty or function of the board regarding practical skills testing or the class on landscape
29 contracting business practices.

30 **SECTION 2.** The State Landscape Contractors Board shall make practical skills testing
31 and business practices classes available under section 1 of this 2015 Act no later than May
32 1, 2016.

33 **SECTION 3.** The State Landscape Contractors Board shall report to the Seventy-eighth
34 Legislative Assembly in the manner provided in ORS 192.245 no later than September 15,
35 2016, regarding the implementation of the practical skills test and business practices class
36 required under section 1 of this 2015 Act. The report must include, but need not be limited
37 to, information regarding the content of the practical skills test, the date that the board first
38 offered practical skills testing, the number and percentage of applicants for licensing as
39 landscape construction professionals taking the practical skills test, the number and per-
40 centage of applicants passing the practical skills test and the number and percentage of ap-
41 plicants passing a written licensing examination.

42 **SECTION 4.** ORS 671.570 is amended to read:

43 671.570. (1) Each person applying for a landscape construction professional license must:

44 (a) Pay a nonrefundable application fee.

45 (b) Pay an examination fee.

1 (c) Pay to the State Landscape Contractors Board the landscape construction professional li-
2 cense fee required by ORS 671.650.

3 (d) Pass an examination, which the board shall offer at least once each six months, to determine
4 the fitness of the applicant for licensing and within 10 years before the day the application for a
5 license is made:

6 (A) Have at least 24 months of employment with a landscape contracting business; or

7 (B) Have at least 12 months of employment with a landscape contracting business and one full
8 year of training in an area related to landscaping at an accredited school or college.

9 (e) Be employed by, or own, a landscape contracting business if performing landscaping work.

10 (2) Notwithstanding subsection (1) of this section, the board may adopt rules allowing a person
11 who does not meet the education and experience requirements in subsection (1)(d) of this section to
12 substitute other education and experience that demonstrate the fitness of the person for licensing
13 as a landscape construction professional.

14 **(3) Notwithstanding ORS 192.310, upon request of the applicant, the board shall make an**
15 **examination that the board offers under subsection (1)(d) of this section available in a format**
16 **in which instructions and questions stated in the English language are immediately followed**
17 **by a Spanish language translation of those instructions and questions.**

18 **SECTION 5. The amendments to ORS 671.570 by section 4 of this 2015 Act apply to ex-**
19 **aminations offered by the State Landscape Contractors Board on or after January 1, 2016.**

20 **SECTION 6. This 2015 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
22 **on its passage.**

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