

Enrolled
House Bill 2058

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Department of Agriculture)

CHAPTER

AN ACT

Relating to the charging of reexamination fees to applicants for licensing in pesticide trades; creating new provisions; and amending ORS 634.122 and 634.132.

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

SECTION 1. ORS 634.122 is amended to read:

634.122. (1) An applicant for a pesticide applicator's license is entitled to be examined for or to be issued a license or supplements thereto by the State Department of Agriculture, if the applicant:

(a) Is at least 18 years of age; and

(b) Proves to the satisfaction of the department that the applicant:

(A) Has had experience as a pesticide trainee for the minimum period and in the manner prescribed by the department;

(B) Has educational qualifications, experience or training which is equal to the minimum standards and requirements established by the department; or

(C) Has been licensed in Oregon as a pesticide applicator and actively engaged in such work during the prior license period, as shall be prescribed by the department.

(2) An applicant for a pesticide applicator's license shall be required to demonstrate satisfactorily by written examination or any reexamination given by the department, an adequate knowledge of:

(a) The characteristics of pesticides and the effect of their application to particular crops.

(b) The practices of application of pesticides.

(c) The conditions and times of application of pesticides and the precautions to be taken in connection therewith.

(d) The applicable laws and rules relating to pesticides and their application in this state.

(e) Integrated pest management techniques, as defined in ORS 634.650, for pest control.

(f) Other requirements or procedures which will be of benefit to and protect the pesticide applicator, the persons who use the services of the pesticide applicator and the property of others.

(3) Based upon the license application and the request of the applicant, the department may examine the applicant only in any one or more of the classes of pest control or pesticide application businesses established by the department under ORS 634.306 (2).

(4)(a) A pesticide applicator license fee shall be established by the department not to exceed \$50 for the first class of pest control or pesticide application business as prescribed in ORS 634.306 (2) and not to exceed \$7.50 for each additional class.

(b) After a person makes first application for a license or renewal thereof for a specific license period, if later during the same license period such person desires to engage in additional classes

of pest control or pesticide application business as prescribed in ORS 634.306 (2), such person shall pay the fee for each additional class established by the department not to exceed \$12.50.

(5) Examinations or reexaminations for pesticide applicator's licenses shall be given by the department at such time and in any of its branch offices or other locations it deems expedient, and shall be under the supervision of its employees or appointees. The department is authorized to:

(a) Appoint without pay or reimbursement, employees of other state agencies who are authorized to give examinations.

(b) Prepare and maintain various types of examinations and types and schedules of reexaminations and to take all other measures deemed necessary to insure that persons receiving passing grades thereto have been fairly and reasonably tested as to their ability and that there have been no fraudulent or dishonest means used by the applicants in applying for or in the taking of examinations or reexaminations.

(6) If it verifies an applicant has received a passing grade on the examination or reexamination and otherwise has complied with the provisions of this chapter, the department shall issue a pesticide applicator's license.

[(7) Each person who has failed to receive a passing grade or for other reasons was not issued a license as a result of an examination or reexamination given by the department, shall pay \$5 to partially reimburse the department for its costs to administer each reexamination to the applicant.]

SECTION 2. ORS 634.132 is amended to read:

634.132. (1) The annual license fee for a pesticide consultant shall be established by the State Department of Agriculture not to exceed \$40.

(2) An applicant for a pesticide consultant's license shall be required to demonstrate satisfactorily by written examination or any reexamination given by the department, an adequate knowledge of:

(a) The characteristics of pesticides and the effect of their application to particular crops.

(b) The practices of application of pesticides.

(c) The conditions and times of application of pesticides and the precautions to be taken in connection therewith.

(d) The applicable laws and rules relating to pesticides and their application in this state.

(e) Other requirements or procedures which will be of benefit to and protect the pesticide applicators, the persons who use the services of the pesticide applicator and the property of others.

(3) Based upon the license application and the request of the applicant, the department may examine the applicant only in any one or more of the classes of pesticides established by the department under ORS 634.306 (2).

(4) Examinations or reexaminations for pesticide consultant's licenses shall be subject to ORS 634.122 (5) *[to (7)]* and (6).

(5) This section shall not apply to licensed pesticide applicators or operators.

SECTION 3. The amendments to ORS 634.122 and 634.132 by sections 1 and 2 of this 2019 Act apply to reexaminations given by the State Department of Agriculture on or after the effective date of this 2019 Act.

Passed by House February 26, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate April 29, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State