

SB 94 A -A2 STAFF MEASURE SUMMARY

House Committee On Business and Labor

Prepared By: Jan Nordlund, LPRO Analyst

Meeting Dates: 4/26, 5/10

WHAT THE MEASURE DOES:

Allows, as opposed to requires, Landscape Contractors Board to establish practical skills test for at least two limited or specialty licenses. Clarifies that practical skills test may be hands-on, written, or electronic. Deletes requirements regarding site, conditions, and duration for practical skills test. Deletes provisions setting minimum score for passage of practical skills test and requirement that Board provide written feedback for each item not performed to standard. Clarifies that business practices class must be offered at least once every 12 months.

No Fiscal Impact

No Revenue Impact

Senate vote: 22-8 (Nays: Boquist, Girod, Heard, Knopp, Linthicum, Robinson, Thatcher, Thomsen)

ISSUES DISCUSSED:

- Benefits of electronic practical skills test
- Whether Board intends to continue offering practical skills for at least two types of licenses

EFFECT OF AMENDMENT:

-A2 Restores requirement that Board establish a practical skills test for at least two types of limited or specialty licenses. Retains Board's discretion in deciding whether to provide the practical skills test in a hands-on, written, or electronic format.

Fiscal: No impact

Revenue: No impact

BACKGROUND:

Oregon law prohibits a person from operating as a landscape construction professional without an individual license and business license from the Landscape Contractors Board. The Board issues licenses for individuals who want to perform all phases of landscape construction as well as limited phases (e.g., planting only or irrigation only). Employees of a licensed business do not need to hold an individual license if they are working under the direct supervision of a licensed professional.

In 2015, the Legislative Assembly passed House Bill 3304 to direct the Landscape Contractors Board to offer a practical skills test and business practices class as an alternative to a written examination as a means to obtaining a landscape construction professional license or a limited or specialty license. The Board was directed to offer the practical skills test and business practices class three times per year and to set a fee to offset the full program cost of conducting the test and class.

In 2016, the Legislative Assembly passed House Bill 4117 to scale back the requirements set in House Bill 3304 (2015) by requiring the Board to provide the practical skills test for only two types of limited or specialty licenses. This legislation also scaled back the frequency in which the practical skills test and business practices class must be offered from three times per year to once every 12 months.

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The Board partnered with the Oregon Landscape Contractors Association (OLCA), which certifies landscape technicians using an hands-on exam owned by the National Association of Landscape Professionals, to provide the practical skills test for the planting-only and irrigation-only limited licenses. However, the national association has converted the hands-on exam to an electronic format that allows the applicant to demonstrate knowledge and skill without a heavy reliance on reading and writing. The electronic exam can be taken year-round from any computer and is more affordable.

Senate Bill 94-A clarifies that the practical skills test may be hands-on, written, or electronic. The measure removes the requirement that the Board offer a practical skills test for at least two limited or specialty licenses and instead grants the Board discretion to do so.