
MEMORANDUM

Legislative Fiscal Office
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To: Transportation and Economic Development Subcommittee
of the Joint Committee on Ways and Means

From: Kim To, Legislative Fiscal Office, 503-986-1830

Date: Thursday, June 3, 2015

Subject: HB 3304 Relating to licenses issued by the State Landscape Contractors Board
Work Session Recommendation

House Bill 3304 requires the Landscape Contractors Board (LCB) to design and offer, as an alternative to a written exam, a practical skills test for persons applying for a landscape construction professional license. The bill also requires the board to offer the option of practical skills tests, and written exams in Spanish. The bill requires the board to offer or approve a class on landscape contracting business practices. The board is directed to report to the legislature by September 15, 2016 regarding the implementation of these options.

The measure previously had hearings in the House Committee on Business and Labor on 4/8/2015 and 4/20/2015. The measure also had a public hearing in this Committee on May 19, 2015.

The original staff measure summary, the – A7 amendment, and the fiscal impact statements are attached to this memo, and available on the Oregon Legislative Information System (OLIS).

Fiscal impact

Passage of this bill will have an Other Fund impact to the agency's fee structure. If this bill passes, the board will have to either contract with vendors or develop in-house capacity to supply the exam materials, scoring tools for the exam, proctors for the exams, and change its forms and applications to allow for the option of requesting: 1) a written exam or a practical skills test; and 2) practical skills tests and written exams in Spanish. At this time, the board is working to quantify these costs fully.

The board predicts a rough estimate of the total direct cost of offering the testing options required by this bill to be approximately \$105,000 Other Funds. This amount includes a one-time cost of \$10,000 to translate the test to Spanish; as well as continuing biennial costs of \$48,000 to cover the

costs for exam proctors; \$12,000 for exam committee expenses; \$20,000 for testing materials; \$5,000 for rental of testing site; and \$10,000 for publication and outreach.

The bill allows the board to establish fees for applicants to offset the full cost of administering the exam and classes. The board will fine-tune the calculations of the cost of complying with the provisions of this bill, explore ways to offer these new test and class options with existing study resources and translation efforts, and work with stakeholders to determine a fair and reasonable fee to offset the full cost. This fiscal assumes LCB will need to implement fee increases or new testing fees in the 2017-2019 biennium as a result of this bill. This new fee structure will be included in the required report to the legislature.

Note that the Landscape Contractors Board is a semi-independent state agency subject to ORS 182.456 to 182.472. The agency's budget is not subject to Executive Branch review, or approval or modification by the Legislative Assembly.

The –A7 amendment

The –A7 amendment:

- Removes emergency clause.
- Provides that practical skills test option applies to limited and specialty license.
- Allows board to test the ability of an applicant to plan and install fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls.
- Prohibits board from testing the ability of an applicant to install backflow.
- Requires board consult with the State Plumbing Board in developing any written and practical examinations for backflow assembly installer licenses.
- Requires board to make any written backflow assembly installer licensing available with Spanish upon request of applicant.
- Moves date that board must make the practical skills test available from September 15, 2016 to May 15, 2017.
- Moves date that board is required to report to the Legislative Assembly from September 15, 2016 to May 15, 2017.

The –A7 amendment does not change the original fiscal determination.

Recommendation

LFO recommends moving the – A7 amendment into the bill.

Motion

Motion: Senator/Representative _____:
I move the dash A7 amendment into HB 3304.

Recommendation

The measure as amended is recommended to be moved to the Full Committee on Joint Ways and Means.

Motion

**Motion: Senator/Representative _____:
I move HB 3304 as amended to the Full Committee with a “do pass”
recommendation.**

Assignment of Carriers

Full: _____

Senate: _____

House: _____

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.**

23

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3304**

1 On page 1 of the printed A-engrossed bill, line 2, after the second semi-
2 colon insert “and”.

3 In line 3, delete “; and declaring an emergency” and insert “and
4 671.617”.

5 In line 6, after “671.570” insert “or limited or specialty license under ORS
6 671.560”.

7 In line 10, after the period insert “If the board requires that applicants
8 for a limited or specialty license pass an examination, the board shall allow
9 a person applying for the limited or specialty license the option of satisfying
10 the examination requirement either by passing a written examination or by
11 passing an appropriate practical skills test and attending the business prac-
12 tices class described in this section.”.

13 In line 11, delete “Monday through”.

14 In line 12, delete “Friday” and after the period insert “Each of the periods
15 must consist of two or more consecutive days on which applicants may take
16 the practical skills test.”.

17 On page 2, line 1, delete “industry standards” and insert “practice stan-
18 dards established by board rule”.

19 In line 3, delete “671.520”.

20 In line 4, delete “(1)(e)” and insert “671.615”.

21 In line 6, after the comma insert “falling or blowing snow, ice,”.

22 In line 10, delete “industry standards” and insert “practice standards es-

1 tablished by board rule”.

2 In line 31, delete “May” and insert “September”.

3 In line 34, delete “September 15,”

4 In line 35, delete “2016” and insert “May 15, 2017”.

5 On page 3, after line 17, insert:

6 **“SECTION 5.** ORS 671.617 is amended to read:

7 “671.617. (1) The State Landscape Contractors Board shall consult with
8 the State Plumbing Board in developing any written and practical examina-
9 tions for backflow assembly installer licenses.

10 **“(2) Notwithstanding ORS 192.310, upon request of the applicant, the**
11 **State Landscape Contractors Board shall make any written examina-**
12 **tion that the board offers for backflow assembly installer licensing**
13 **available in a format in which instructions and questions stated in the**
14 **English language are immediately followed by a Spanish language**
15 **translation of those instructions and questions.”.**

16 In line 18, delete “5” and insert “6” and delete “by section 4” and insert
17 “and 671.617 by sections 4 and 5”.

18 In line 19, delete “January” and insert “May”.

19 Delete lines 20 through 22.

20

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 3304 - A7**Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***

Prepared by: Kim To
Reviewed by: John Terpening, Tim Walker
Date: 6/4/2015

Measure Description:

Requires Landscape Contractors Board to make available practical skills test, and to offer exams in Spanish.

Government Unit(s) Affected:

Landscape Contractors Board [Semi-Independent Agency]

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

House Bill 3304 with the – A7 amendment requires the Landscape Contractors Board (LCB) to design and make available a practical skills test for persons applying for a landscape construction professional license. The bill requires the board to offer the option of practical skills tests, and to offer practical skills tests and written exams in Spanish. The bill requires the board to offer or approve a class on landscape contracting business practices. The board is directed to report to the legislature by May 15, 2017 regarding the implementation of these options.

Passage of this bill will have an Other Fund impact to the agency's fee structure. If this bill passes, the board will have to either contract with vendors or develop in-house capacity to supply the exam materials, scoring tools for the exam, proctors for the exams, and change its forms and applications to allow for the option of requesting: 1) a written exam or a practical skills test; and 2) practical skills tests and written exams in Spanish. At this time, the board is working to quantify these costs fully. The Legislative Fiscal Office offers the following information as a point of reference: Currently, the board has approximately 1,350 individual licensees and 1,164 business licensees. At present, the cost for the written six-section exam is \$65 for the first section, and \$10 for each additional section taken at the same time. Based on the last three biennia, the board has received an average of 168 testing applicants per biennium.

The board predicts a rough estimate of the total direct cost of offering the testing options required by this bill to be approximately \$105,000 Other Funds. This amount includes a one-time cost of \$10,000 to translate the test to Spanish; as well as continuing biennial costs of \$48,000 to cover the costs for exam proctors; \$12,000 for exam committee expenses; \$20,000 for testing materials; \$5,000 for rental of testing site; and \$10,000 for publication and outreach.

The bill allows the board to establish fees for applicants to offset the full cost of administering the exam and classes. The board will fine-tune the calculations of the cost of complying with the provisions of this bill, explore ways to offer these new test and class options with existing study resources and translation efforts, and work with stakeholders to determine a fair and reasonable fee to offset the full cost. This fiscal assumes LCB will need to implement fee increases or new testing fees in the 2017-2019 biennium as a result of this bill. This new fee structure will be included in the required report to the legislature.

Note that the Landscape Contractors Board is a semi-independent state agency subject to ORS 182.456 to 182.472. The agency's budget is not subject to Executive Branch review, or approval or modification by the Legislative Assembly.

PRELIMINARY STAFF MEASURE SUMMARY**Joint Committee On Ways and Means****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:****Action:****Meeting Dates:****Prepared By:** Kim To, Fiscal Analyst**WHAT THE MEASURE DOES:**

Allows person applying for landscape construction professional license to satisfy examination requirement by either passing written examination or passing eight-hour skills test and attending six-hour business practices class. Requires Landscape Contractors Board to offer practical skills testing three weeks each year starting May 1, 2016. Directs Board to establish applicant fee to offset full cost of practical skills test and business practices class. Requires written examination to be translated to Spanish by January 1, 2016. Requires Board to report to Legislative Assembly by September 15, 2016, regarding implementation of practical skills test and business practices class. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- The - A7 amendment.
- Fiscal Impact.

EFFECT OF COMMITTEE AMENDMENT:

- Removes emergency clause.
- Provides that practical skills test option applies to limited and specialty license.
- Allows board to test the ability of an applicant to plan and install fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls.
- Prohibits board from testing the ability of an applicant to install backflow.
- Requires board consult with the State Plumbing Board in developing any written and practical examinations for backflow assembly installer licenses.
- Requires board to make any written backflow assembly installer licensing available with Spanish upon request of applicant.
- Moves date that board must make the practical skills test available from September 15, 2016 to May 15, 2017.
- Moves date that board is required to report to the Legislative Assembly from September 15, 2016 to May 15, 2017.

BACKGROUND:

Created in 1972, the State Landscape Contractors Board (LCB) licenses landscape contracting businesses and landscape construction professionals. Landscape construction professionals must meet experience and/or education requirements and pass a competency exam. Landscape contracting businesses must obtain a surety bond, submit evidence of liability insurance and employ or be owned by a licensed landscape construction professional. A landscape construction professional license applicant must pass an examination, and must have at least 24 months of employment with a landscape contracting business or at least 12 months of employment with a landscape contracting business with one full year of training in an area related to landscaping from an accredited school. A probationary license can be issued if the applicant does not meet the training and experience requirements but meets the requirements of a probationary license. An applicant for a landscape contracting business license must show proof that the owner or managing employee, if not a licensed landscape professional, has completed required courses and passed an examination.



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

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

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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-**

or limited or specialty license under ORS 671.560
If the board requires that applicants for a limited or specialty license pass an examination, the board shall allow a person applying for the limited or specialty license the option of satisfying the examination requirement either by passing a written examination or by passing an appropriate practical skills test and attending the business practices class described in this section.

Each of the periods must consist of two or more consecutive days on which applicants may take the practical skills test

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 ~~professional in a manner meeting or exceeding industry standards.~~ ^{practice standards established by board rule} 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).~~ ^{671.615}

5 (4) The board shall supply a site for practical skills testing that has adequate lighting and
6 ^{falling or blowing snow, ice,} 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,~~ ^{practice standards established by board rule} 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~~ ^{September}
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,~~ ^{May 15, 2017}
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.

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

- 44 (a) Pay a nonrefundable application fee.
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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:

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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.

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15 **examination that the board offers under subsection (1)(d) of this section available in a format**
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17 **by a Spanish language translation of those instructions and questions.**

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19 **aminations offered by the State Landscape Contractors Board on or after ~~January 1, 2016.~~ ^{May}**

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.**~~

23 _____

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the State Plumbing Board in developing any written and practical examinations
for backflow assembly installer licenses.
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State Landscape Contractors Board shall make any written examination
that the board offers for backflow assembly installer licensing
available in a format in which instructions and questions stated in the
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FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 3304 A**Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***

Prepared by: Kim To
Reviewed by: John Terpening, Tim Walker
Date: 5/18/2015

Measure Description:

Requires Landscape Contractors Board to make available practical skills test, and to offer exams in Spanish.

Government Unit(s) Affected:

Landscape Contractors Board [Semi-Independent Agency]

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

House Bill 3304 requires the Landscape Contractors Board (LCB) to design and make available a practical skills test for persons applying for a landscape construction professional license. The bill requires the board to offer the option of practical skills tests, and to offer practical skills tests and written exams in Spanish. The bill requires the board to offer or approve a class on landscape contracting business practices. The board is directed to report to the legislature by September 15, 2016 regarding the implementation of these options.

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The bill allows the board to establish fees for applicants to offset the full cost of administering the exam and classes. The board will fine-tune the calculations of the cost of complying with the provisions of this bill, explore ways to offer these new test and class options with existing study resources and translation efforts, and work with stakeholders to determine a fair and reasonable fee to offset the full cost. This fiscal assumes LCB will need to implement fee increases or new testing fees in the 2017-2019 biennium as a result of this bill. This new fee structure will be included in the required report to the legislature.

Note that the Landscape Contractors Board is a semi-independent state agency subject to ORS 182.456 to 182.472. The agency's budget is not subject to Executive Branch review, or approval or modification by the Legislative Assembly.

STAFF MEASURE SUMMARY**House Committee On Business and Labor****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/20/15**Action:** Do Pass As Amended, Be Printed Engrossed, And Bill Be Referred To Ways
And Means.**Meeting Dates:** 04/08, 04/20**Vote:**

Yeas: 11 - Barreto, Barton, Doherty, Esquivel, Evans, Fagan, Heard, Holvey, Kennemer, Nosse, Weidner

Prepared By: Jan Nordlund, Committee Administrator

WHAT THE MEASURE DOES:

Allows person applying for landscape construction professional license to satisfy examination requirement by either passing written examination or passing eight-hour skills test and attending six-hour business practices class. Requires Landscape Contractors Board to offer practical skills testing three weeks each year starting May 1, 2016. Directs Board to establish applicant fee to offset full cost of practical skills test and business practices class. Requires written examination to be translated to Spanish by January 1, 2016. Requires Board to report to Legislative Assembly by September 15, 2016, regarding implementation of practical skills test and business practices class. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Lack of exam and study materials being offered in Spanish
- Licensing meant to protect consumers
- Problems that occur when landscapers operate without license
- Examination passage rates

EFFECT OF COMMITTEE AMENDMENT:

Replaces original measure.

BACKGROUND:

Created in 1972, the State Landscape Contractors Board (LCB) licenses landscape contracting businesses and landscape construction professionals. Landscape construction professionals must meet experience and/or education requirements and pass a competency exam. Landscape contracting businesses must obtain a surety bond, submit evidence of liability insurance and employ or be owned by a licensed landscape construction professional. A landscape construction professional license applicant must pass an examination, and must have at least 24 months of employment with a landscape contracting business or at least 12 months of employment with a landscape contracting business with one full year of training in an area related to landscaping from an accredited school. A probationary license can be issued if the applicant does not meet the training and experience requirements but meets the requirements of a probationary license. An applicant for a landscape contracting business license must show proof that the owner or managing employee, if not a licensed landscape professional, has completed required courses and passed an examination.