

B-Engrossed
House Bill 3304

Ordered by the House June 15
Including House Amendments dated April 27 and June 15

Sponsored by Representatives 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.

Allows applicant for licensing as landscape construction professional, **or for issuance of limited or specialty license**, 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]* **September 1, 2016**. Requires board to report to Legislative Assembly no later than *[September 15, 2016]* **May 15, 2017**, regarding implementation of practical skills test and business practices class.

Requires board to make written examination for licensing as landscape construction professional **or backflow assembly installer** available upon applicant request in format having instructions and questions in English followed by Spanish translation. Applies to examinations offered on or after *[January]* **May 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; and
3 amending ORS 671.570 and 671.617.

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 **or limited or specialty license under ORS 671.560. The board shall allow a person applying**
8 **under ORS 671.570 the option of satisfying the examination requirement under ORS 671.570**
9 **(1)(d) either by passing a written examination approved by the board or by passing the**
10 **practical skills test and attending the business practices class described in this section. If**
11 **the board requires that applicants for a limited or specialty license pass an examination, the**
12 **board shall allow a person applying for the limited or specialty license the option of satisfying**
13 **the examination requirement either by passing a written examination or by passing an ap-**
14 **propriate practical skills test and attending the business practices class described in this**
15 **section.**

16 **(2) The board shall make practical skills testing available during three periods each year.**
17 **Each of the periods must consist of two or more consecutive days on which applicants may**
18 **take the practical skills test. The periods shall begin:**

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

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 (b) Between June 1 and August 1; and

2 (c) Between September 1 and November 1.

3 (3) The board shall design the practical skills test to determine whether the applicant has
4 the ability to perform the tasks most commonly required of a landscape construction pro-
5 fessional in a manner meeting or exceeding practice standards established by board rule. The
6 board shall design the test to have a reasonable expected completion time that is less than
7 eight hours. The board may not test the ability of an applicant to make an installation de-
8 scribed in ORS 671.615.

9 (4) The board shall supply a site for practical skills testing that has adequate lighting and
10 is free from extreme temperatures, falling or blowing snow, ice, high winds and heavy rain-
11 fall. The practical skills test must be conducted within an eight-hour period on a single day.

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

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

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

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

34 **SECTION 2.** The State Landscape Contractors Board shall make practical skills testing
35 and business practices classes available under section 1 of this 2015 Act no later than Sep-
36 tember 1, 2016.

37 **SECTION 3.** The State Landscape Contractors Board shall report to the Seventy-ninth
38 Legislative Assembly in the manner provided in ORS 192.245 no later than May 15, 2017, re-
39 garding the implementation of the practical skills test and business practices class required
40 under section 1 of this 2015 Act. The report must include, but need not be limited to, infor-
41 mation regarding the content of the practical skills test, the date that the board first offered
42 practical skills testing, the number and percentage of applicants for licensing as landscape
43 construction professionals taking the practical skills test, the number and percentage of
44 applicants passing the practical skills test and the number and percentage of applicants
45 passing a written licensing examination.

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

2 671.570. (1) Each person applying for a landscape construction professional license must:

3 (a) Pay a nonrefundable application fee.

4 (b) Pay an examination fee.

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

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

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

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

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

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

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

22 **SECTION 5.** ORS 671.617 is amended to read:

23 671.617. (1) The State Landscape Contractors Board shall consult with the State Plumbing Board
24 in developing any written and practical examinations for backflow assembly installer licenses.

25 **(2) Notwithstanding ORS 192.310, upon request of the applicant, the State Landscape**
26 **Contractors Board shall make any written examination that the board offers for backflow**
27 **assembly installer licensing available in a format in which instructions and questions stated**
28 **in the English language are immediately followed by a Spanish language translation of those**
29 **instructions and questions.**

30 **SECTION 6.** The amendments to ORS 671.570 and 671.617 by sections 4 and 5 of this 2015
31 Act apply to examinations offered by the State Landscape Contractors Board on or after May
32 1, 2016.