

**PROPOSED AMENDMENTS TO
HOUSE BILL 3304**

1 On page 1 of the printed bill, line 3, after “ORS” delete the rest of the
2 line and insert “671.570; and declaring an emergency.”.

3 Delete lines 5 through 31 and delete pages 2 and 3 and insert:

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

12 **“(2) The board shall make practical skills testing available during**
13 **three Monday through Friday periods each year. The periods shall be-**
14 **gin:**

15 **“(a) Between March 1 and May 1;**

16 **“(b) Between June 1 and August 1; and**

17 **“(c) Between September 1 and November 1.**

18 **“(3) The board shall design the practical skills test to determine**
19 **whether the applicant has the ability to perform the tasks most com-**
20 **monly required of a landscape construction professional in a manner**
21 **meeting or exceeding industry standards. The board shall design the**
22 **test to have a reasonable expected completion time that is less than**

1 eight hours. The board may not test the ability of an applicant to
2 make an installation described in ORS 671.520 (1)(e).

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

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

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

29 “(7) The board shall establish fees for applicants described in this
30 section in amounts reasonably calculated to offset the full program

1 **cost of conducting the practical skills test and business practices class**
2 **described in this section.**

3 **“(8) The board may subcontract or otherwise arrange for a third**
4 **party to carry out any duty or function of the board regarding prac-**
5 **tical skills testing or the class on landscape contracting business**
6 **practices.**

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

10 **“SECTION 3. The State Landscape Contractors Board shall report**
11 **to the Seventy-eighth Legislative Assembly in the manner provided in**
12 **ORS 192.245 no later than September 15, 2016, regarding the imple-**
13 **mentation of the practical skills test and business practices class re-**
14 **quired under section 1 of this 2015 Act. The report must include, but**
15 **need not be limited to, information regarding the content of the**
16 **practical skills test, the date that the board first offered practical**
17 **skills testing, the number and percentage of applicants for licensing**
18 **as landscape construction professionals taking the practical skills test,**
19 **the number and percentage of applicants passing the practical skills**
20 **test and the number and percentage of applicants passing a written**
21 **licensing examination.**

22 **“SECTION 4. ORS 671.570 is amended to read:**

23 **“671.570. (1) Each person applying for a landscape construction profes-**
24 **sional license must:**

25 **“(a) Pay a nonrefundable application fee.**

26 **“(b) Pay an examination fee.**

27 **“(c) Pay to the State Landscape Contractors Board the landscape con-**
28 **struction professional license fee required by ORS 671.650.**

29 **“(d) Pass an examination, which the board shall offer at least once each**
30 **six months, to determine the fitness of the applicant for licensing and within**

1 10 years before the day the application for a license is made:

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

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

7 “(e) Be employed by, or own, a landscape contracting business if per-
8 forming landscaping work.

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

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

20 “**SECTION 5. The amendments to ORS 671.570 by section 4 of this**
21 **2015 Act apply to examinations offered by the State Landscape Con-**
22 **tractors Board on or after January 1, 2016.**

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

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