

SB 94 B STAFF MEASURE SUMMARY**Carrier:** Rep. Bonham**House Committee On Business and Labor****Action Date:** 05/12/21**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 11-0-0-0**Yeas:** 11 - Bonham, Boshart Davis, Breese-Iverson, Bynum, Clem, Evans, Fahey, Grayber, Holvey, Post, Witt**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Jan Nordlund, LPRO Analyst**Meeting Dates:** 4/26, 5/12**WHAT THE MEASURE DOES:**

Clarifies that practical skills test offered by Landscape Contractors Board (Board) 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.

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:

Restores requirement that Landscape Contractors 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.

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 (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 with which the practical skills test and business practices class must be offered from three times per year to once every 12 months.

The Board partnered with the Oregon Landscape Contractors Association (OLCA), which certifies landscape technicians using a 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

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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 B allows the practical skills test to be hands-on, written, or electronic.