

Oregon Landscape

2nd Quarter, 2017



Oregon's Landscape Professionals



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President's Message

Matt Triplett, LIC, CLIA, OLCP, Willamette Landscape Services, Inc.



According to the Oregonian, at the time of this writing, the Portland area hasn't been above 70 degrees in the month of April yet this year. Contrast that with last year when "...the city had six days with temperatures at or above 80 degrees. And on April 19, 2016, it reached 89 degrees - 1 degree shy of tying the record for the hottest April day on record in Portland (April 30, 1998)." This year's colder and wetter reality is similar throughout our fine state but it hasn't slowed down our intrepid industry one bit. It's just made it a bit harder on us. Weeds are growing gang-busters, grass is gooey to mow, construction sites are muddy, and trenches are filled with rain and rising groundwater. Yet we soldier on, because nothing beats working outside, beautifying our living and working environments!

As I talk with folks around the state, I hear the stories of weather challenges. I have also heard about the huge problem of finding qualified labor. Labor that might traditionally come to our industry is finding work in other vocations like construction and fast food service or simply remaining willfully unemployed. It is also increasingly spread throughout the mostly growing landscape companies around the state. Many are even trying their hands at running their own businesses - sometimes without even being licensed.

The unlicensed issue is particularly pertinent right now. There is a bill in the Oregon House of Representatives, HB 3337, that will create a limited landscape license that would allow untested and potentially very unqualified landscape contracting work to be performed in Oregon. The OLCA Board has taken a strong position against this bill to protect our citizenry and maintain a level of competency that protects our

industry's ability to provide landscape contracting work. HB 3337 has been passed out of committee and may have enough steam to clear the House. At that point it will be in the Senate where we hope saner heads will prevail. I respectfully ask that you head to the OLCA website and read the letter of opposition to this bill for greater detail. You may also reach out to the OLCA office, Chairman Bob Grover, or association lobbyist Bill Cross - all of whom have been very active on this matter.

I'd like to recognize the Academic Committee briefly to say that their initiative to be a part of the recent NW Youth Careers Expo was amazing. From conceptualizing how OLCA might participate, to pulling it together, to setting up and manning the booth, their efforts put OLCA in front of thousands and thousands of visiting high school students! Now, they are onto an idea for creating a video promoting our state-wide landscape industry. If you think you have a great pitch to a potential industry entrant, please let them know by contacting the OLCA office. Please consider joining this great committee, headed up by Kris Saulsbury it is the heart and soul of finding our future industry leaders.

To close, I simply leave you with sincere wishes for a safe and prosperous year. I wish all of the best for you and yours and hope to see you at an upcoming event like an amazing chapter meeting, golf tournament, certification test, or just out and about. Yours in service. - Matt Triplett LCP LIC-M,T CLIA

Coverage Insights

The Hardening Auto Insurance Market

Provided by LaPorte

Auto insurance premiums have been on the rise since April 2016, when a 6 percent rate hike made it the biggest monthly increase since 2003. While the need for harder conditions in the auto insurance market is overdue, both personal and commercial auto policies are noticing the effects. And due to contributing factors that include the high costs of claims, increasing costs of vehicle repairs and unsafe driving behaviors, policyholders are not likely to see a softer market any time soon.

More Drivers on the Road

Thanks to low gasoline prices and rising employment rates, more Americans are driving. As a result, there are more accidents, which lead to higher payouts. Higher payouts lead to higher premiums.

The cause of more accidents isn't entirely because more drivers are on the road—it is because of drivers' unsafe driving practices. According to the AAA Foundation for Traffic Safety, about 87 percent of drivers admitted to engaging in at least one risky behavior while behind the wheel in the first quarter of 2017, including using cellphones while driving and not wearing seat belts.

Claims Severity

Adding to the causes of the hardening market is the increasing size of insurance claims—also known as claim severity. Three large drivers of claim severity include the increase in the costs of medical care, auto repair

and auto parts. According to a recent study by CarMD, the largest repair cost comes from replacing the expensive technology that is common in newer vehicles, as body shops struggle to afford the special equipment and training required to perform the repairs.

Uninsured Motorists

Although auto liability insurance is compulsory in most states, approximately 13 percent of drivers drive uninsured. Unfortunately, it is the drivers who abide by compulsory insurance laws who end up paying the price—in the form of uninsured motorist coverage. According to the Insurance Research Council, uninsured claim payments have increased by 75 percent over the past 10 years, resulting in a \$14 premium increase for every insured individual.

The Threat of Autonomous Vehicles

Although autonomous vehicles (driverless vehicles) have the potential to save lives and reduce injuries, they could also decrease the personal automobile insurance sector to less than 40 percent of its current size. While the change should be gradual, many insurers have been increasing rates by 5-10 percent in anticipation of the threat.

Insurance Fraud

The Insurance Information Institute estimates that insurance fraud costs the United States \$32 billion per

year. A common form of insurance fraud is when someone cheats the claims process by faking an injury and blaming it on an accident. As a result, insurance companies end up paying claims for injuries that never occurred.

Another common type of insurance fraud is when policyholders lie on their application in an effort to receive low insurance rates—lies that cost insurers \$16 billion per year.

Price Optimization

Insurers commonly use applicants' credit histories as a factor in determining car insurance rates. They also use a practice called price optimization to see how much they can raise their customers' rates before the customers decide to choose another company. For example, customers who tolerate increases in their internet bills are more likely to stay loyal to their insurance carriers when premiums increase.

With auto insurance premiums on the rise for both personal and commercial policies, it is important to be aware of your options at renewal time. Contact LaPorte to help you keep your premiums as low as possible in a hard market.

Provided by LaPorte

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You Have A Website... Now What?

By Vic Carlson, River City Reach

In the Internet-driven culture we live in you understand the importance in having a website for your company. That website is a storefront for your company, just like a brick-and-mortar location is, or would be.

An effective, producing website, just like a brick-and-mortar storefront, requires ongoing updating and maintenance to keep it fresh, appealing, and performing at its best.

Your site visitors (customers, potential customers, and the search engines) require a site that is current and meets their needs and expectations. You can't expect profitable

results if you continue to offer an outdated look and old or static information. Communication is key to success on the Internet!

A viable, performing website should:

- Have a modern look engaging the latest site building technology
- Have a mobile-friendly site too
- Convey your unique image, story, and current messages to your audience
- Generate new leads/prospects for your business
- Sell your products and services through the Internet
- Draw income from the website itself

Actions to Market Your Website

By having a website you let the Internet know your company exists and where it resides on the World Wide Web. As you would do with a brick-and-mortar location you then need to share with the world, and more importantly your neighbors, just what your company is frequently doing, along with the improvements and increases you have in your product and service offerings.

So, what are some actions to improve upon what you have?

- Develop a web marketing plan, or

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- revise one if an old one exists
- Develop a budget to support a plan
- Decide who will perform all or some of your web marketing tasks

As elements in a web marketing plan consider:

- Frequent, needed updates to content (site, blog, newsletter, social media, etc.)
- Necessary updates to the theme/template the site was built on
- A refreshing of the look and feel of your site (often done annually)

Posting of new images to site

The goal of a website is to gain and keep customer business, as you want them coming back for more!

An informed and updated audience (customers and search engines) expect and appreciate your marketing efforts... and those efforts will be

rewarded.

We also understand your pain in being able to accomplish website marketing needs and to stay on top

of Internet and website trends. River-CityReach and other reputable web service providers exist to support you – so you don't have to 'go it alone'!

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OLCA Legal Access Program

Provided by David Bowser

The Oregon Landscape Contractors Association ("OLCA") and David Bowser of Jordan Ramis PC are pleased to offer the Legal Access Program, a free program for all Regular and Associate Members.

Legal Access entitles each OLCA Regular and Associate Member to approximately fifteen (15) minutes per calendar month of FREE legal advice from Jordan Ramis PC attorney David Bowser. If your question cannot be reasonably answered within the allotted 15 minutes, David

will estimate the amount of additional time he believes the answer will require. You may then elect to hire Jordan Ramis PC to represent you further on that matter, hire other counsel, or drop the matter altogether.

It's simple to access David for advice at 503-598-7070 or toll-free at 888-598-7070 and provide your organization name

Legal Access services are intended for one-time, situation-specific

questions relating to your business.

This member benefit is not intended to cover matters that require ongoing legal advice beyond the initial 15-minute consultation. Members can ask about corporate or business matters, employment matters, contracts, water rights, land use, leasing or buying of operations and property, immigration compliance (I-9 requirements), regulatory matters, liens, equipment loan docu-

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ments, line of credit and banking matters, liability associated with accidents, construction disputes, and other matters relevant to their business. Personal advice and advice relating to worker's compensation, and accounting issues are not included in the Legal Access program. However, David will be happy to provide members with referrals to specialists in those matters. If you call regarding a specific dispute, David will ask you for the names of the parties involved and the subject of the dispute to ensure Jordan Ramis PC does not have any conflicts of interest.

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David Bowser and Jordan Ramis PC are committed to offering responsive, efficient, and results-oriented legal services to clients, and encourage you to take advantage of the Legal Access program to resolve legal issues before they become business problems.

More Information

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President Trump Overturns OSHA's Ongoing Recordkeeping Rule

Provided by LaPorte

President Donald Trump recently signed a resolution that overturned a [HYPERLINK "https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=33561"](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=33561) final recordkeeping rule from OSHA. According to the agency, the rule was meant to clarify that employers must maintain work-related injury and illness records throughout a five-year storage period, and did not create any additional requirements. However, critics of the rule argued that it allowed OSHA to unlawfully issue citations to businesses up to five years after an incident, provided the violation was related to recordkeeping.

The Occupational Safety and Health Act (OSH Act) that governs OSHA does not allow for a citation to be issued more than six months after the occurrence of a violation. Despite this, OSHA's final rule stated that the agency considers all recordkeeping violations to exist until they are corrected. For example, if a recordkeeping violation first began on Feb. 1 and was corrected on May 15, OSHA would have had until Nov. 15 to issue a citation under its final rule.

This development is the latest step in the Trump administration's efforts to reduce regulatory burdens on businesses. Since Trump took office, OSHA has delayed its new [HYPERLINK "https://www.osha.](https://www.osha.gov/berylliumrule/)

[gov/berylliumrule/](https://www.osha.gov/berylliumrule/)" beryllium exposure rule until May 20, and has also announced that it is currently not ready to accept electronic injury and illness data for its [HYPERLINK "https://www.osha.gov/recordkeeping/finalrule/"](https://www.osha.gov/recordkeeping/finalrule/) electronic reporting rule. However, you still need to be aware of your ongoing OSHA requirements. Although OSHA's recordkeeping rule has been rescinded, employers are still required to maintain their injury and illness records for five years. Contact us at (503) 239-4116 for help staying in compliance with OSHA standards.

Autonomous Vehicles Could Eliminate Up to 4 Million Jobs

A new report from the Center for Global Policy Solutions suggests that as many as 4 million employees nationwide may soon lose their jobs due to the adoption of autonomous vehicles.

Unlike normal vehicles that are operated by human drivers, autonomous vehicles use advanced sensors to monitor the road and can run without mandated stops for rest and sleep. And, if commercial drivers are replaced by these vehicles in the near future, it could cause an economic ripple effect in regions that rely on commercial transportation.

More than 30 automakers and technology companies are currently working on autonomous vehicle technology, including Ford, General

Motors, Tesla, Google and Uber. As a result, the technology is advancing rapidly, and many companies have already acquired licenses to test their vehicles on public highways. However, some experts believe that state and federal regulators will delay the widespread adoption of commercialized autonomous vehicles.

Auto Insurance Prices Likely to Keep Rising

Most lines of insurance cycle between soft and hard markets over a number of years, which has a direct impact on the price of insurance. The auto insurance market is currently hardening after many years of a soft market, which has resulted in higher prices for both commercial and personal auto policies.

Between 2011 and 2016, competition between auto insurance carriers created a soft, buyer-friendly market. Since then, however, the high cost of claims and increasing costs of vehicle repairs have contributed to a noticeable transition in the market.

Contact LaPorte today. We can provide you with resources to help you understand and save on auto insurance, including our new article, "Coverage Insights – The Hardening Auto Insurance Market."

Work Visa Program Under Federal Review

The Trump administration has

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ordered a review of the H-1B visa program, which allows U.S. employers to temporarily employ foreign workers in positions that require specialized knowledge. Although the review will not change existing rules for the visas, the Trump administration has expressed interest in changing the approval process from a lottery to a merit-based system.

Currently, H-1B visas are used mainly by technology companies to fill roles that require an extensive background in science, engineering or computer programming. However, critics of the program believe

that it's also used by outsourcing firms to flood the system with applications for lower-paid information positions, which takes work away from Americans.

The Trump administration has yet to set a timeline for changes to the H1-B program. However, Trump has stated that the visas should only go to the most skilled and highest-paid foreign applicants, and never be used to replace Americans.

Did You Know?

New research from the American Chiropractic Association and the American College of Physicians may change the treatment for back pain,

one of the most common reasons for missing work. Until recently, one of the most recommended treatments was the prescription of opioids and steroids. However, both organizations now agree that therapy-based techniques can help injured employees recover faster and reduce the chances of reoccurring back pain.

Provided by LaPorte

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A Letter From Your OLCA Certification Chair

By Peter Timmen, OLCA Certification Chair

My name is Peter Timmen, and this is my second go-around as Chair of the Certification Committee, something that is very personal and important to me.

During my first time as Chair, our local industry had tremendous support for the test. The new test site had recently opened at Clackamas Community College (CCC). One year, our total number of candidates was over 145, and we completed all testing by the end of one day. This demonstrated our state's commitment that obtaining a Certification in either Hardscapes or Softscapes was a critical step in the development of a company's employees. Companies could also market the benefits of having employees who have some professional development specific to the care of a customer's landscape, which can be particularly important at the residential level.

Over the past several years there has been a steady decline in the number of candidates applying for participation. This past year, we had only 68 candidates, slightly up from 41 in 2015, but a significant decline from the year noted above. It could be likely our last recession had affected many companies' decisions to send their employees for a Certification; that being said, it could easily be argued that these are the times where it is more critical for a company to support/strengthen their employees training and education. Demonstrating investment in the employee, as well as the complex

nature of the business, is something employees and customers alike value.

To some degree, obtaining a Certification can be considered costly for both the candidate and the company. But, when it comes to building a stronger work force, to increasing an employee's knowledge and skill set, to increasing loyalty from employees, to showing a potential client the benefits of having nationally recognized Certified employees, to meeting more stringent customer requirements/expectations, how much does it really "cost" the employer, especially in the bigger scope of running a business?

Therefore, at this time, the Oregon landscape industry and the community within our trade must recommit to growing the professionalism and technical aspects of our employees, and help improve the quality and image of the landscape industry. The industry is facing a huge challenge today; a potentially new bill that would remove licensure requirements for landscape construction professionals. OLCA is working hard to help oppose the bill, supporting the Landscape Contractors Board (LCB). There is a good chance this bill will pass the State's Legislature and become law, resulting in risk to our customers of hiring companies that don't have the experienced and knowledgeable employees necessary to install a quality landscape. Demonstration through action will prove that the industry

is truly invested in its' customers and employees, and help ensure that Certified people on staff are a priority. We have a responsibility to protect not only those who hire us, but also those that help every day, sometimes in terrible conditions, to make our businesses successful.

Sincerely,

OLCA Certification Committee:
Peter Timmen
Shannon Crosswhite
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Past members

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A Strong Year For The Portland Regional Chapter

By Jim Larson, Portland Regional Director

The Portland Regional Chapter has a great team for 2017 putting together great chapter meetings and events. However, a great team is only as good as the participation from the members.

We've all heard the message before. Every leader talks about getting involved. I advocate you do what you feel comfortable with. I served on the state board for many years and even had the honor as serving as your State President. Now, I have the honor serving you as your Portland Regional Director.

There are many priorities in our lives including family and community. You can show your support of OLCA by attending the chapter meetings, serve on a committee, or ask other landscape contractors and vendors to join OLCA if they are not members currently. Each one of us can invite a friend in the landscape industry, member and non members to chapter meetings, golf tournament, and the very successful NW Landscape Expo. I ask you to do your part to make the Portland Regional Chapter strong as well as OLCA overall and the landscape community. We need a strong chapter moving forward to touch all landscape businesses and make the industry stronger. OLCA is

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a great group of people. We need a stronger OLCA and the path to success is a greater representation of the licensed landscape contractors in Oregon and SW Washington.

We had a very successful May meeting at the Villa Catalana Winery and Rare Plant Research Nursery. The weather couldn't have been any better. A warm afternoon for a garden tour and a fine cuisine catered dinner on the patio overlooking the gardens and large pond.

Have you checked out OLCA's website; www.oregonlandscape.org lately? This is the forum to keep up to date on local issues and events as well as the newsletter is available online including previous issues. Make sure to say thank you to our



many sponsors and advertisers and support them. We are working on a mobile friendly website that should be available very soon.

Upcoming Portland Regional Chapter events:

June 2nd - OLCA /ASLA Golf Tournament at Langdon Farms Golf Club

July 7th - Deadline for Landscape Awards entries



OLCA Portland Regional Chapter Presents



2017 OLCA/ASLA GOLF TOURNAMENT

Langdon Farms Golf Club

24377 NE Airport Rd., Aurora, OR 97002

Friday, June 2nd, 2017

Schedule of Events

Registration Begins— 6:30 am | Tee Time (Shotgun Start) - 7:45 am | Lunch & Prizes—12:30 pm

Legislative Report from the Capitol

By Bill Cross & Niki Terzieff, OLCA Lobbyist

We are currently in the calm before the storm in the Oregon legislature. Roughly two-thirds of the bills introduced this session are dead because they did not get passed out of their originating committee by the April deadline. Lawmakers are spending much of their time in the procedural motions as bills move from one chamber to the next. The high volume of bills passed out of committee in the final days before the chamber of origin deadline has led to long hours on the chamber floors as lawmakers must discuss and vote on each bill.

Top of mind for OLCA has been HB 3337 which creates a gap in the landscape construction professional licensing process that would allow a

person who pays a fee and carries bonding to perform any work up to \$8,000 per job during a 12-month period. Prior experience, education, completion of the examination, which tests knowledge of the business, landscape contracting laws and the hard skills to satisfactorily perform the work, **would be waived**. Sponsored by Rep. Dallas Heard, a landscape contractor from Roseburg, the bill is intended to remove barriers to licensure, with no regard to consumer protection. Three first-term, House Democrats of color testified in favor of the bill, comparing existing licensure requirements to institutional racism. In the committee and on the floor, House members from both parties were hard pressed to vote no in

the face of the “equity” argument. Therefore, HB 3337 passed near unanimously out of the House of Representatives in early May.

OLCA opposed the bill, in addition to the Southern Oregon Landscape Association, Special Districts Association of Oregon, American Water Works Association - Pacific Northwest Section, PCC Landscape Technology Program, Oregon Association of Nurseries, Regional Water Providers Consortium, and the League of Oregon Cities. While removing barriers to occupational licensure may be a worthy goal...it should not be done at the expense of consumer protection, consumer costs and the environment. In the

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past two sessions, the Legislature has streamlined LCB regulations, reduced continuing education requirements for licensees and created a practical skill examination as an alternative to the written examination.

The elimination of the examination, education and experience requirements jeopardize the state's commitment to protect consumers. It would also endanger the current exemptions provided to licensed landscape professionals by the Electrical and Elevator Board for low voltage lighting and irrigation controls, in addition to the Construction Contractors Board for work on trees.

The landscape construction industry was able to secure approval from those boards for inclusion of this work in the scope of "landscape contracting" specifically because of LCB's licensure examination and knowledge requirements. Withdrawal of these agreements would result in overall higher costs and longer timelines, if lighting and irrigation functions require a licensed electrician or plumber.

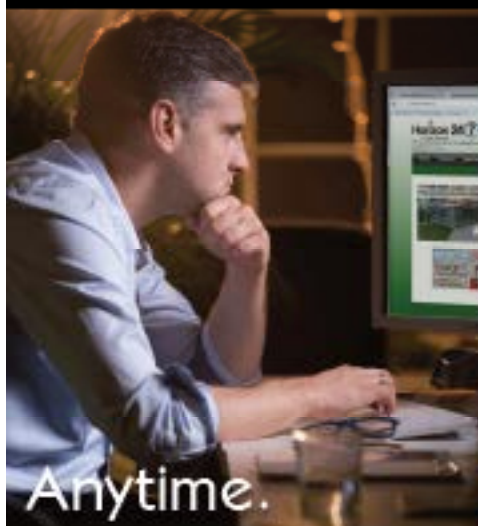
The bottom line is that the state would be permitting anybody to perform landscape-related construction work without any knowledge or experience in landscape construction or the laws regulating it. *An arbitrary \$8,000*

job cap does not mean that those completing the work are doing so safely, correctly or with the appropriate capabilities.

The bill is now in the Senate Business and Transportation Committee. Members of that committee are much more familiar with the landscape contracting laws and regulations as it was that committee that conducted the LCB Work Group in 2014 that resulted in SB 580. The committee has until the end of the month to take action on the bill. Early indicators suggest that they are less enthusiastic about HB 3337-A than their colleagues in the House.

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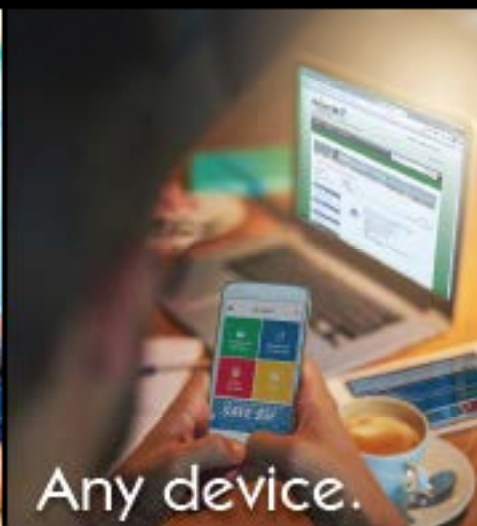
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At a more general level, the few remaining contentious issues, besides the budget, are being postponed while attention shifts to the strenuous task of balancing the state budget. News accounts of the legislature have focused on recent budget developments, such as the list of budget cuts and a cost-containment report from budget leaders, but there has been minimal progress in defining the pathway forward. These developments are more a political tactic to drive attention towards the revenue debate than they are about addressing the \$1.6 billion shortfall.

Leadership has formed a special committee on tax reform to consider options for restructuring the state tax system. Oregon's revenue stream is highly volatile because of its reliance on the personal income tax. Lawmakers are interested in finding ways to reduce the volatility and, potentially, raise revenues in the process. The committee is expected to focus on a proposal crafted by a bipartisan group of legislators that would eliminate the corporate income tax and replace it with a low-rate, broad-base gross receipts tax. Legislators from the workgroup argue the new proposal presents an alternative to the gross receipts tax proposed in Measure 97 because it is a low rate assessed across most or all businesses, instead of a high rate assessed on a narrow group of businesses.

There are already some factions in the business community, primarily retailers and out-of-state businesses not currently taxed in Oregon but would be under the proposal, who are reviving the opposition campaign from

Measure 97. The committee will begin meeting next week. However, it may be too late for the state to reform its way to new revenue. Tax reform is a delicate and time-consuming process that usually takes years, not weeks, and our state legislators simply do not have enough time.

Gov. Kate Brown has also joined in the cost-reduction conversations and announced a series of cost-reduction strategies she will deploy using executive orders. Thus far, the governor has announced an executive branch hiring freeze, time restrictions for state employee collective bargaining and a task force to identify cost reductions in the public pension system. These budget announcements, similar to those in the legislature, are mostly political. The business community has committed itself to a conversation on business tax increases if the legislature acknowledges it has a spending problem. The efforts of the legislature and the governor to suggest spending reductions are an effort to appease the business community and demand their presence at the negotiation table.

The continued release of budget proposals and tax increases will surely raise the level of tension in the building which will make it more difficult for the Legislature to find middle ground. With \$1.6 billion at stake...there will also be winners and losers.

Please feel free to contact us at any time if you have any questions by emailing Bob Grover, OLCA Legislative Chair, at bob.grover@pacscape.com or your OLCA Lobbying Team Bill Cross at bill@wvcross.com or Niki Terzieff at niki@leadingedgepublicaffairs.com.

OLCA 2017 Upcoming Events

JUNE

- 2 OLCA/ASLA Golf Tournament
Langdon Farms Golf Club –
Aurora

JULY

- 28 OLCA Landscape Industry
Certified Technician Exterior
Program Test (Clackamas
Community College – Oregon
City)

SEPTEMBER

- 6 Portland Regional Chapter
Meeting
- 12 Central Oregon Chapter
Meeting

OCTOBER

- 4 Portland Regional Chapter
Meeting
- 10 Central Oregon Chapter
Meeting

NOVEMBER

- 1 Portland Regional Chapter
Meeting
- 7 Central Oregon Chapter
Meeting

DECEMBER

- 12 Expo Kick-Off Party
- 12 NW Landscape Expo Pesticide
Training
- 13 NW Landscape Expo

*For more information about these events
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