

OLCA'S LEGISLATIVE PROGRAM HAS MEANT BIG BUCKS TO LANDSCAPE CONTRACTORS

The Oregon Landscape Contractors Association has enjoyed some very successful sessions in recent years. As part of the Association's Strategic Plan for the past ten years, OLCA has dedicated financial resources to retain a governmental affairs professional to serve as an advocate for the industry at the State Capital. Through the Association's Board of Directors and volunteer Legislative Committee, it has taken an active role in policy decisions affecting our industry.

In the 1997 Legislative Session, the Court of Appeals ruled that home builders could landscape residential projects without a landscape contractor's license.

- OCLA responded by securing legislation that limited the exemption to a general contractor licensed under the Construction Contractors Board who performs landscaping work if the total value of the landscaping is less than \$2,500 per residential dwelling and the landscaping work is performed on residential property for which the contractor is under contract for the construction of a new dwelling.

In 1999, OLCA secured passage of several bills beneficial to the industry:

- SB 1034 which allowed licensed landscape contractors exempt from the "restricted energy electrician's license" to install irrigation control wiring and outdoor lighting systems that do not exceed 300 volt-amperes per circuit.
- SB 827, OLCA's Nursery License Exemption, exempted licensed landscape contractors from having a nursery license if they purchase nursery stock for landscaping projects and not for retail resale.
- HB 2062 which allowed licensed landscape contractors to perform certain construction activities (fences, decks, driveways, retaining walls and walkways) not in conjunction with landscaping work without registering with the Construction Contractors Board so long as the landscaping business maintained an increased bond (\$10,000) with LCB.

During the 2001 Legislative Session, OLCA joined forces with the Landscape Contractors Board and scored a big victory. The two organizations were successful in securing the passage of legislation, HB 2127, which made the State Landscape Contractors Board (LCB) a semi-independent board. The LCB is no longer required to receive its management and support services from the Construction Contractors Board. Instead, the LCB is able to employ a dedicated support staff to deal solely with the landscaping issues for consumers and contractors. In other words, now the LCB controls its own destiny.

Also passed in 2001 were two other bills that OLCA supported:

- HB 2191 which expanded the scope of work that landscape contractors can plan and construct from fountains to include “ornamental water features.” The definition of “ornamental water features” included fountains, ponds, waterfalls, man-made streams and other decorative water-related constructions as identified by LCB rule.
- HB 2192 which expanded the landscape contractors’ ability to install backflow prevention devices in not only irrigation systems but also ornamental water features.

In 2003, OLCA worked with LCB to successfully pass SB 919 in an effort to help regulate the use of the word “landscape” and its derivatives thereby reducing the confusion between landscape contracting businesses and landscape maintenance businesses. The bill also clarified the terminology “casual, minor and inconsequential” work to narrow the exemption which had been misinterpreted over the years and abused by non-licensed construction contractors who have used this loophole as a means to install new landscapes without adequate training or knowledge.

Again, in 2005, OLCA was successful in securing passage of an omnibus bill, HB 2069, to enhance the professionalism of the industry and to address a couple of other policy concerns for the industry. The most important benefits of the bill include:

- An exemption from the landscape contractor licensure requirements for persons employed by, and under direct supervision of, a licensed landscape contractor. The Attorney General’s office had determined that the existing statute may not clearly preclude employees or leased employees of landscape contractors from being licensed in order to perform landscaping activities.
- Approval for landscape contractors who employ a certified backflow assembly tester to repair and maintain irrigation backflow assemblies.
- An amendment to the land use laws on exclusive farm use zone to explicitly allow a landscaping or landscape architecture services business when operated in conjunction with land used for the horticultural purpose of growing and marketing nursery stock to be listed as a use that may be approved as a conditional use.
- An increase in the bond requirements for landscape contractors based on the size of the contracts and work performed.
- Authority for the Board to put a landscape contractor and the associated business on probation if three or more claims are filed against a business within a one-year period.
- Establishment of an inactive status for landscape contractors not operating as a landscaping business.
- Clarification that the current exemption for general contractors doing certain landscaping work does not include irrigation work.