

MEASURE: HB 2619
EXHIBIT: 2
H BUSINESS & LABOR
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SUBMITTED BY: Mark Kemper

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Date 3-4-2013

Re; HB2619

Good morning Chair Doherty and Honorable committee members. I want to say thank you for allowing me to testify on HB2619. I would like to tell you a little about me and The intent of this Bill and why it's necessary.

My name is Mark Kemper and I have been in business for over 25 years. I own Hal/Mark Inc Landscape Maintenance in Salem. I have owned a full Landscape and design business in the past, and in 1995 made the choice to stay in Landscape maintenance. My intent for this HB2619 is to provide consumer protection. There has been such an increase in landscape maintenance and so many are without insurances and no governing body to oversee the industry. That it puts the consumer at risk, if damage is done to their home or property or the workers. If the business has employees and no workers comp then the property owner could or would be held liable. Unfortunately for people who work in the horticultural business, they are more likely to get hurt on the job than people who work in other environments, such as in a office or retail store. Falling down and heavy lifting on the job are two common workplace injuries; while employees of any industry are susceptible, horticultural and construction workers are particularly at risk. We have so many people retiring and are now on fixed income and if this should happen to them it would be a financial hard ship. My intent with the Bill is not to put anyone out of business but to help, plus educate them in many areas of the industry. A time came when Landscapers needed to be licensed and now with so many doing maintenance, that it is now time to bring them under the LCB. I again ask that you consider this bill to help protect the consumers of Oregon and make the industry more accountable and safer for the customers of this industry. This over view I thought was good so please take the time to consider this Bill. Thank you so much

Mark C. Kemper
Hal/Mark Inc

LANDSCAPE CONTRACTORS BOARD
Overview of HB 2619

Introduced by: Rep. Brian Clem for constituent Mark Kemper

Current Status: Scheduled with the House Business & Labor Committee, Margaret Doherty, Chair

HB 2619 requires any person or business involved in gardening or landscape maintenance to register the business with the Landscape Contractors Board. Landscape maintenance includes: edging, fertilizing, gardening, irrigation scheduling, mowing, mulching, pruning other than trees, raking, small tree management, snow removal, trimming, water feature maintenance, weeding and other activities defined by LCB rules. Currently this industry is unregulated and is one that has easy entry and exit. Consumers purchasing these services and have an issue on their property, e.g. damage due to shoddy work, or who's money is taken and no work is performed, have little to no recourse. Many individuals who have the minor equipment and tools required to do the work have not registered their business, and they may not leave a name or phone number with the customers, so are untraceable if there is consumer damage. Since this is a registration rather than licensure, there would be a small annual fee required. If voted in, registration would begin on June 1, 2014 and be required by January 1, 2015.

Registrants would be required to have worker's compensation insurance (if they have employees), liability, personal injury and property damage insurance (minimum of \$100,000, which is the minimum for landscape contracting businesses as well), and a taxpayer identification number.

The bill exempts anyone performing landscape maintenance work:

- 1) on federal property
- 2) on their own property or for their employer
- 3) within the scope of a license or registration within the state (LCB license)

The bill doesn't allow anyone to advertise or represent that they are registered if they are not, unless they are exempt from registration. The bill also allows the agency to assess civil penalties of up to \$2,000 per violation of the law.

The bill also gives the agency the authority to investigate complaints against registrants and attempt to resolve disputes between consumers and registrants.