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**SENATE COMMITTEE ON LIVABILITY**

**April 22, 1997 Hearing Room C**

**3:00 P.M. Tapes 47-49**

**MEMBERS PRESENT:**

**Sen. Ted Ferrioli, Chair**

**Sen. Bob Kintigh, Vice-Chair**

**Sen. Kate Brown**

**Sen. Ginny Burdick**

**Sen. Eileen Qutub**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Christin Smith, Administrator**

**Nora Carlson, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 427 Public Hearing**

**SB 822 Public Hearing**

**SB 823 Public Hearing**

**SB 824 Public Hearing**

**SB 974 Public Hearing and Work Session**

**SB 988 Public Hearing**

**SB 626 Public Hearing**

**SB 944 Public Hearing**

**SB 1027 Public Hearing**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 47, A</b>		
003	Chair Ferrioli	Calls meeting to order at 3:16 p.m. Opens public hearing on SB 427.
<b><u>SB 427 PUBLIC HEARING</u></b>		
005	Pat Bridges	Representing the Oregon Building Industry, provides testimony on SB 427, issues discussed:  * existing family dwelling codes  * low rise residential structures  * international family dwelling code effort
050	Chair Ferrioli	Asks Mr. Bridges if it is his position as proponent and chief sponsor of the bill that the bill is no longer required.
052	Bridges	Replies that the bill is no longer required.
055	Sen. Kintigh	Questions concerning building code requirements.
074	Chair Ferrioli	Comments that in view of the proponents' request for withdrawal of the bill, he will discontinue testimony on the bill.
080	Chair Ferrioli	Closes public hearing on SB 426; opens public hearing on SB 822.
<b><u>SB 822 PUBLIC HEARING</u></b>		
		Representing Oregon Officials Association, provides working group status report, issues discussed:

085	Bill Cross	* review of amendment changes * plumbers' disagreement with certification standards
112	John Gervais	National Electrical Contractors Association, provides working group status report and states that amendments are still being worked on.
129	Gary Wright	Representing Plumbers and Pipefitters Local 290, confirms that there was disagreement and believes that requirements can be met without including them in statute and requests to amend themselves out of the bill.
130	Chair Ferrioli	Asks Mr. Wright if it was his intention to bring amendments to the next meeting and asks if there is a draft of the proposed rule ( <b>EXHIBIT A</b> ).
158	Steve Bryan	Board member, League of Oregon Cities, provides testimony in support of SB 822.
189	Joe Brewer	Building Codes Division, Department of Consumer & Business Services (DCBS), submits testimony and proposed amendments ( <b>EXHIBIT B</b> ), issues discussed:  * revising the requirements for structure and mechanical instructors  * prequalification of candidates  * consolidation of certification requirements
236	Chair Ferrioli	Questions concerning rule revisions.
265	Chair Ferrioli	Closes public hearing on SB 822; opens public hearing on SB 823.
<b><u>SB 823</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
289	Bob Kelly	Representing Oregon Building Officials, testimony and proposed amendments in support of SB 823 ( <b>EXHIBIT C</b> ).
332	Joe Brewer	Building Codes Division, DCBS, provides testimony in opposition to SB 823 ( <b>EXHIBIT D</b> ). Voices support on the proposed amendments but with the understanding that duplicative plan reviews should not be required.
360	John Gervais	Representing the National Electrical Contractors Association, provides testimony in opposition to SB 823.
380	Steve Bryan	Representing League of Oregon Cities, provides testimony in support of SB 823. Voices support on the proposed amendments but with the condition that the bill retain the ability for localities to charge fees appropriate to the services they provide.
400	Chair	Closes public hearing on SB 823; opens public hearing on SB 824.

	Ferrioli	
<b>TAPE 48, A</b>		
<b>SB 824 PUBLIC HEARING</b>		
010	Emile Mortier	Representing Oregon Building Officials Association, provides testimony in support of SB 824, issues discussed:  * notification of fee imposition  * fee schedules and evaluation schedules
032	Chair Ferrioli	Comments that the bill appears to offer an opportunity to streamline government.
040	John Gervais	Representing the National Electrical Contractors Association, provides testimony in opposition to SB 824.
054	Chair Ferrioli	Observes that Mr. Gervais' concern is primarily with participation and information sharing and comments on the process.
060	Joe Brewer	Building Codes Division, DCBS, submits and provides testimony on SB 824 ( <b>EXHIBIT E</b> ).
083	Chair Ferrioli	Asks if it is Mr. Brewer's interpretation that the bill does not accomplish what the proponents had hoped to accomplish.
090	Brewer	Agrees and responds that they would be willing to work with the proponents toward agreement.
092	Bill Cross	Representing Oregon Building Officials Association, submits and provides testimony on SB 824 ( <b>EXHIBIT F</b> ). Responds that he visited with counsel after the bill was drafted to inquire if the bill accomplished the goal to eliminate the process of filing a fee increase.
105	Chair Ferrioli	Invites Mr. VanNatta to respond to the fee issue.
109	Fred VanNatta	Representing the Oregon Building Officials Association, responds that there had been considerable debate on whether to limit the collection of fees.
144	Steve Bryan	Representing League of Oregon Cities, provides testimony in support of SB 824, issues discussed:  * streamlining filing process  * no fee requirement for non-general fund departments

172	Chair Ferrioli	Suggests that Mr. Mortier and Mr. Brewer work together to seek agreement on amendment language.
184	Chair Ferrioli	Closes public hearing on SB 824; opens public hearing on SB 974.
<b><u>SB 974 PUBLIC HEARING</u></b>		
197	Genoa Ingram- Reid	Representing the Oregon Association of Realtors on SB 974, provides working group status report on SB 974, issues discussed:  * requirement for continuing education  * definition of a home inspector
252	Ingram- Reid	Continues with status report on registration and licensing.
262	Sen. Brown	Asks about the fiscal impact of the bill.
269	Ken Keudell	Administrator, Construction Contractors Board (CCB), describes discussion held with the Legislative Fiscal Office.
282	Ingram- Reid	Continues with working group status report, issues discussed:  * home inspectors  * licensing requirements
318	Chair Ferrioli	Asks Ms. Ingram-Reid to rename the participants.
340	Ingram- Reid	Identifies working group members.
345	Sen. Qutub	Asks if a license fee is included in the bill.
347	Keudell	Responds that the examination could be established as a one-time fee of \$100 with licensing fees at \$75 per year, per individual.
381	Mike Leupitz	Representing Contractors Incorporated, provides testimony in support of SB 974.
420	Leupitz	Continues with testimony on the inspection process and continuing education requirements.
<b>TAPE 47, B</b>		
021	Sen. Brown	Asks about the number of hours required for training.
029	Ingram- Reid	Comments on the positive feedback they received from the CCB toward meeting the needs of the industry.
	Brian	Representing the Oregon Association of Home Inspectors, provides testimony in opposition to SB 974, issues discussed:

043	Weight	* license requirement * continuing education requirement
044	Toby Deming	Home Inspector, provides self introduction.
084	Chair Ferrioli	Refers to Section 3 of the bill which reads ".the Board shall adopt education training and examination requirements.." and asks Mr. Weight if he is concerned that the Board will do the training.
089	Weight	Responds that this is his understanding.
092	Sen. Brown	Comments that the bill reads clearly that requirements need to be established and voices concern on the open-endedness of training requirements.
096	Weight	Responds that he agrees with Sen. Brown's concern.
110	Weight	Continues with testimony on proposed registration and asks about the emergency clause on the bill.
135	Sen. Kintigh	Explains that the emergency clause waives the 90-day waiting period so that the bill becomes effective upon passage.
154	Weight	Refers to bill language "appurtenance" and asks if it would require contractors associated with repairs to become home inspectors.
178	Chair Ferrioli	Defines appurtenance as a structure attached to a property.
195	Weight	Comments that they would like to have further opportunity to review the bill.
204	Deming	Comments that the bill could regulate a small group of contractors.
232	Sen. Qutub	Comments that the reason for the proposed regulation is because of the dissatisfaction of individuals who have had inspections done.
249	Deming	Responds that most people are affected financially by home inspectors.
266	Weight	Comments that the level of consumer expectation is the primary reason for the proposed legislation.
283	Chair Ferrioli	Urges Mr. Weight to become knowledgeable with the legislative process and to work very closely with the state agencies involved.
299	Walter Loehrke	Owner, Stablör Building Consultants, provides testimony in support of SB 974.
330	Sen. Brown	Refers to Section 3 (3), of the bill and asks if he is comfortable that the CCB will adopt reasonable requirements.
335	Loehrke	Responds that he will be involved with the CCB in the development of training and education requirements and establishing guidelines.
359	Dan Lubbers	Inspections Unlimited, submits and provides testimony in opposition to SB 974 ( <b>EXHIBIT G</b> ).
420	Lubbers	Continues with testimony on education experience requirements for the inspection industry.

<b>TAPE 48, B</b>		
029	Dave Guiducci	Representing the Oregon Real Estate Inspectors Association, provides testimony in support of SB 974.
054	Don Crawford	Representing the Oregon Remodelers Association, provides testimony in support of SB 974.
086	Chair Ferrioli	Closes public hearing on SB 974; opens work session on SB 974.
<b><u>SB 974</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
092	Sen. Qutub	<b>MOTION: Moves to ADOPT SB 974-2 amendments dated 4/22/97.</b>
093	Chair Ferrioli	<b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>The motion CARRIES.</b>
094	Sen. Brown	Voices concern regarding education and training requirements.
095	Sen. Kintigh	Comments that he has some reservations and may vote in opposition to the bill.
096	Sen. Qutub	<b>MOTION: Moves to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.</b>
112	Chair Ferrioli	<b>VOTE: 4-1</b>  <b>AYE: 4 - Brown, Burdick, Qutub, Ferrioli</b>  <b>NAY: 1 - Kintigh</b>  <b>The motion CARRIES.</b>
115	Chair Ferrioli	Closes work session on SB 974; opens public hearing on SB 988.
<b><u>SB 988</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
117	Chair Ferrioli	Closes public hearing on SB 988; opens public hearing on SB 626.
<b><u>SB 626</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
119	Chair Ferrioli	Closes public hearing on SB 626; opens public hearing on SB 944.

<b>SB 944 PUBLIC HEARING</b>		
121	Chair Ferrioli	Closes public hearing on SB 944; opens public hearing on SB 1027.
<b>SB 1027 PUBLIC HEARING</b>		
150	Eric Meurer	Affordable Housing advocate, provides testimony in opposition to SB 1027.
197	Sen. Kintigh	Asks if he would increase his fees once he becomes a master builder.
200	Meurer	Responds that the profit and fees are dictated by supply and demand.
206	Sen. Burdick	Questions regarding inspection responsibilities.
244	Don Drewliner	Home builder, provides testimony in support of SB 974.
266	Sen. Qutub	Question regarding other states with similar requirements.
290	Fred VanNatta	Representing the Oregon Builders' Association, provides testimony in support of SB 1027.
308	Joe Brewer	Building Codes Division, DCBS, submits testimony and proposed amendments in support of SB 1027 ( <b>EXHIBIT H</b> ).  * pilot programs  * liability waivers
347	Sen. Brown	Questions concerning inspections.
368	Sen. Qutub	Asks about the effect on consumers.
370	Brewer	Responds that the program would be a good demonstration of public/private partnerships to address an issue that needs to be addressed.
400	Don Woodley	Representing Oregon Building Officials Association, provides testimony in support of SB 1027.
<b>TAPE 49, A</b>		
021	Woodley	Continues with testimony on plan inspections and random inspections.
062	Ray Kerridge	Representing the City of Portland, Bureau of Buildings, provides testimony in opposition to SB 1027.
110	Kerridge	Continues with testimony on self-certification programs.
130	Gary Wright	Representing Plumbers and Pipefitters Local 290, mirrors Mr. Kerridge's testimony in opposition to SB 1027.
140	Chair Ferrioli	Questions regarding builder's responsibilities.



160	John Gervais	Representing National Electrical Contractors Association, provides testimony on SB 1027, issues discussed: * minor label system * reduction in permit fees
196	Jane Cummins	Representing League of Oregon Cities, provides testimony on SB 1027.
219	Chair Ferrioli	Adjourns meeting at 5:20 p.m.

**Submitted By, Reviewed By,**

**Nora Carlson, Christin Smith,**

**Administrative Support Administrator**

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**EXHIBIT SUMMARY**

**A - SB 822, written materials, Gary Wright, 1 pp**

**B - SB 822, written testimony, Joe Brewer, 2 pp**

**C - SB 823, written testimony and proposed amendments, Bob Kelly, 5 pp**

**D - SB 823, written testimony, Joe Brewer, 1 pp**

**E - SB 824, written testimony, Joe Brewer, 2 pp**

**F - SB 824, written testimony, Bill Cross, 3 pp**

**G - SB 974, written testimony, Dan Lubbers, 2 pp**

**H - SB 1027, written testimony and proposed amendments, Joe Brewer, 4 pp**

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