

**CONFERENCE COMMITTEE AMENDMENTS TO  
B-ENGROSSED HOUSE BILL 3093  
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

July 29

**Amended Summary**

Prohibits Department of Human Services from requiring that certain plumbers obtain department certification to test backflow prevention device assemblies. Directs Director of Department of Consumer and Business Services to adopt rules requiring certain plumbers who test assemblies to complete state-approved training program for testing.

**Requires Medford Water Commission, under specified circumstances, to provide water treatment, transmission and distribution services to Westwood Subdivision Water District.**

Speaker Minnis:

Your Conference Committee to whom was referred B-engrossed House Bill 3093, having had the same under consideration, respectfully reports it back with the recommendation that the House concur in the Senate amendments dated July 6 and that the bill be amended as follows and repassed.

1 On page 1 of the printed B-engrossed bill, line 2, after the semicolon insert "creating new provisions; and".

2  
3 On page 2, after line 4, insert:

4 **"SECTION 1a. If House Bill 2069 becomes law, section 1 of this 2005 Act (amending ORS**  
5 **448.279) is repealed and ORS 448.279, as amended by section 9, chapter 609, Oregon Laws 2005**  
6 **(Enrolled House Bill 2069), is amended to read:**

7 "448.279. (1) The Department of Human Services by rule shall establish a certification program  
8 for persons who inspect cross connections or test backflow assemblies. The program shall include  
9 minimum qualifications necessary for a person to be certified to:

10 "(a) Conduct a cross connection inspection; and

11 "(b) Test a backflow assembly.

12 "(2) Except for an employee of a water supplier as defined in ORS 448.115, a person certified  
13 under this section must:

14 "(a) Become licensed as a construction contractor with the Construction Contractors Board as  
15 provided under ORS chapter 701; or

16 "(b) Become licensed as a landscape contractor as provided under ORS 671.510 to 671.710.

17 "(3) In conjunction with the certification program established under subsection (1) of this section,  
18 the department may establish and collect a fee from an individual requesting certification under  
19 the program. A fee imposed under this subsection may:

20 "(a) Not be refundable; and

21 "(b) Not exceed the cost of administering the certification program of the department for which  
22 purpose the fee is established, as authorized by the Legislative Assembly within the budget of the  
23 department and as the budget may be modified by the Emergency Board.

24 **"(4) The department may not require a journeyman plumber who holds a certificate of**

1 **competency issued under ORS chapter 693 or an apprentice plumber, as defined in ORS**  
2 **693.010, to obtain a certification for testing backflow assemblies under the program estab-**  
3 **lished under this section.**

4 “[4] (5) All moneys collected by the department under this section shall be deposited in the  
5 General Fund to the credit of an account of the department. Such moneys are continuously appro-  
6 priated to the department to pay the cost of administering the certification program established  
7 pursuant to subsections (1) and (3) of this section.”.

8 After line 31, insert:

9 **“SECTION 2a. If House Bill 2069 becomes law, section 2 of this 2005 Act (amending ORS**  
10 **455.110) is repealed and ORS 455.110 is amended to read:**

11 “455.110. Except as otherwise provided by ORS chapters 446, 447, 460, 476, ORS 479.010 to  
12 479.220, 479.510 to 479.945, 479.990 and 479.995 and ORS chapter 480:

13 “(1) The Director of the Department of Consumer and Business Services shall coordinate, in-  
14 terpret and generally supervise the adoption, administration and enforcement of the state building  
15 code.

16 “(2) The director, with the approval of the appropriate advisory boards, shall adopt codes and  
17 standards, including regulations as authorized by ORS 455.020 governing the construction, recon-  
18 struction, alteration and repair of buildings and other structures and the installation of mechanical  
19 devices and equipment therein. The regulations may include rules for the administration and  
20 enforcement of a certification system for persons performing work under the codes and standards  
21 adopted under this subsection. However, this subsection does not authorize the establishment of a  
22 separate certification for performing work on low-rise residential dwellings.

23 “(3) The director, with the approval of the appropriate advisory boards, may amend such codes  
24 from time to time. The codes of regulations and any amendment thereof shall conform insofar as  
25 practicable to model building codes generally accepted and in use throughout the United States. If  
26 there is no nationally recognized model code, consideration shall be given to the existing specialty  
27 codes presently in use in this state. Such model codes with modifications considered necessary and  
28 specialty codes may be adopted by reference. The codes so promulgated and any amendments thereof  
29 shall be based on the application of scientific principles, approved tests and professional judgment  
30 and, to the extent that it is practical to do so, the codes shall be promulgated in terms of desired  
31 results instead of the means of achieving such results, avoiding wherever possible the incorporation  
32 of specifications of particular methods or materials. To that end the codes shall encourage the use  
33 of new methods, new materials and maximum energy conservation.

34 **“(4) The director shall adopt rules requiring a journeyman plumber who holds a certif-**  
35 **icate of competency issued under ORS chapter 693 or an apprentice plumber, as defined in**  
36 **ORS 693.010, who tests backflow assemblies to complete a state-approved training program**  
37 **for the testing of those assemblies.**

38 **“SECTION 3. (1) The Medford Water Commission shall, at the request of the Westwood**  
39 **Subdivision Water District, which is a domestic water supply district established under ORS**  
40 **chapter 264, make the commission’s water treatment, transmission and distribution**  
41 **infrastructure available for treatment, transmission and distribution, as necessary, of water**  
42 **for the Westwood Subdivision Water District unless:**

43 **“(a) The current capacity of the water treatment, transmission and distribution**  
44 **infrastructure of the commission is not sufficient to allow the use without affecting the**  
45 **ability of the commission to treat, transmit and distribute water for use by the current users**

1 of the commission's water treatment, transmission and distribution infrastructure; and

2 (b) The Westwood Subdivision Water District does not pay the reasonable costs of the  
3 commission in making the treatment, transmission and distribution infrastructure available.

4 (2) If the Westwood Subdivision Water District receives access to the water treatment,  
5 transmission and distribution infrastructure under subsection (1) of this section, residents  
6 within the Westwood Subdivision Water District waive any right to object or remonstrate if  
7 the area within the district is annexed by the City of Medford or is included in the urban  
8 growth boundary of the City of Medford.

9 (3) If the existing Medford Water Commission water line has insufficient water flow to  
10 serve the Westwood Subdivision Water District, reasonable accommodations shall be made  
11 at the expense of the Westwood Subdivision Water District, including but not limited to use  
12 of a water storage tank, to enable the Westwood Subdivision Water District to receive water  
13 from the Medford Water Commission's existing water line.

14 (4) The Westwood Subdivision Water District shall pay all reasonable costs of estab-  
15 lishing and connecting the Westwood Subdivision Water District's water line to the existing  
16 Medford Water Commission's water line.".

17 /s/ Alan Brown  
18 Representative

19 /s/ Deborah Boone  
20 Representative

21 /s/ Derrick Kitts  
22 Representative

23 /s/ Alan Bates  
24 Senator

25 /s/ Ted Ferrioli  
26 Senator

27 /s/ Charlie Ringo  
28 Senator  
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