

## HOUSE COMMITTEE ON COMMERCE

May 24, 1999 Hearing Room 350

3:00 p.m. Tapes 71 - 72

**MEMBERS PRESENT:** Rep. Jim Hill, Chair

Rep. Ryan Deckert, Vice-Chair

Rep. Al King

Rep. Jerry Krummel

Rep. Bob Montgomery

Rep. Anitra Rasmussen

Rep. Diane Rosenbaum

Rep. Mark Simmons

Rep. Bill Witt

**STAFF PRESENT:** Jason Cody, Administrator

Annetta Mullins, Administrative Support

**MEASURE/ISSUES HEARD:** SB 931 ñ Work Session

SB 803 ñPublic Hearing and Work Session

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.

TAPE/#	Speaker	Comments
TAPE 71, A		
002	Chair Hill	Calls meeting to order at 3:08 p.m. and opens work session on SB 931.

**SB 931 nWORK SESSION**

	Jason Cody	Administrator. Reviews SB 931 and advises that the bill was re-referred to the committee from the floor.
012	Chair Hill	Comments that language will not be added to the bill and suggests the committee send the bill to the floor.
014	Rep. King	<b>MOTION: Moves SB 931 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 6-0-3</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 3 - Rasmussen, Simmons, Witt</b>
	Chair Hill	<b>The motion CARRIES.</b>
022	Chair Hill	Opens a public hearing on SB 803-A.

**SB 803-A n PUBLIC HEARING**

023	Jason	Reviews SB 803-A and advises that proponents of the bill asks the committee to consider SB 1026 as a conceptual amendment to SB 803-A.
033	John Gervais	National Electrical Contractors Association (NECA), International Union of Elevator Constructors and the Construction Industry Committee. Advises that there are more questions than answers with SB 803-A and not enough time to resolve the questions. Asks that the committee put the contents of SB 1026, creating an interim study, into SB 803-A. Comments that the group will examine all the systems and the boards and the directions of those boards and come up with a program that will move the Building Code agency into the 21 <sup>st</sup> century.
048	Gary Wright	Representing himself and U. A. Plumbers and Pipefitters, Local 290. Comments they do not have enough time to finish work on SB 803-A and would like to put SB 1026 into the bill and let the task force get on with the work and come back next session with a final product.
055	Rep. Rosenbaum	Asks if SB 1026 would create a study group to do what would have been done in SB 803-A.

063	Gervais	Responds affirmatively. Adds they feel it will be the vehicle that will encompass the topics and they can add in other portions of the agency. There was discussion in the full Ways and Means Committee about the need for a review of processes and programs.
076	Rep. Krummel	Asks if everyone else agrees.
083	Gervais	Responds other witnesses have signed up. The major people involved in the discussion and promulgation of SB 803 are all in agreement that there should be a study.
088	Rep. Montgomery	Asks if SB 1026 in its present form is satisfactory.
089	Gervais	Responds affirmatively.
089	Rep. Rosenbaum	Asks if they anticipate new funding to staff the task force.
097	Gervais	Responds that Joe Brewer can better answer the question.
116	Paul Cosgrove	American Forest and Paper Association. Comments they were prepared to support SB 803-A with the SB 803-A6 amendments ( <b>EXHIBIT A</b> ). They will be happy moving SB 1026 into SB 803-A. Explains they employ a number of people licensed by the board. There are 35 different electrical licenses in Oregon. Their concern is that in any reorganization of the boards that those who have representation and interest in the work of the boards have a means of being represented. The A6 amendments would have done that with an advisory committee to the shortened, smaller board. They will work with the study and with the legislature next session on the results of the study.
129	Ole Olsen	West Linn. Testifies in support of SB 803-A. Submits and reads statement ( <b>EXHIBIT B</b> ).
190	Olsen	Comments on Section 4 of SB 803-A and rule adoption by the board.
207	Frank Ragalado	Member of Electrical and Elevator Board. Comments he came to speak against SB 803-A and is in favor of SB 1026. There is a good cross section of people on the board and was concerned about the balance of the board in SB 803-A.
232	Tom Lindberg	Chair, Oregon State Board of Boiler Rules. Comments he had concerns specifically with membership in SB 803-A. Thinks it is good idea to have as broad a base as possible. SB 1026 will serve the needs of the boiler industry.
245	Chair Hill	Advises that Paul Cosgrove has asked that the record show the Northwest Pulp and Paper Association also supports the position of Mr. Cosgrove.

230	Scott Berry	Oregon Building Industries Association. Comments their testimony would have been on SB 803-A. The concern with SB 803-A was the board would be called the Electrical and Mechanical Board. Explains that the mechanical piece of the code is a separate piece of the code and is now under the Building Codes Structures Board. They would suggest that might be changed to Electrical and Plumbing Assistance Board. The new study does bring in the mechanical piece of the code. Nobody from the Building Codes Structures Board would be serving on the committee. The concern is either take the mechanical piece out of it or add some people from the Structures Board so there is fair representation.
298	Joe Brewer	Administrator, Building Codes Division. Comments he is surprised by the turn of events. He was looking forward to reducing three boards into one. The only concern with SB 1026 is the fiscal impact. The agency would need to look at the fiscal impact of the bill. The director and he have committed to an interim review of the entire Building Codes process beginning at code adoption through delivery of service by the division and at the local municipal level to identify ways to improve the system either through administrative action or proposed legislation.
		Concurs with Mr. Berry the mechanical portion of the code is currently handled by the Building Codes Structures Board. Would hope if an electrical and mechanical board were created, it would maintain responsibility for the mechanical code as well. Also would hope they could reduce the five boards they serve into one board and one advisory board advising administration on how the code should be administered.
330	Chair Hill	Asks if Mr. Berry's concern about membership would be covered in lines 17 and 18 of SB 1026.
339	Berry	Comments the three boards in (1) would have to have two members. Membership should include representatives from the Building Codes Structures Board.
347	Brewer	Clarifies that the Building Codes Structures Board handles the structural code and the mechanical code.
351	Chair Hill	Asks how many members from the Building Codes Structures Board should be on the task force.
352	Berry	Responds they would like equal representation and therefore there should be four members.
355	Brewer	Explains that the Building Codes Structures Board advises the department on the adoption of the building code, the framework for the development process. Four members would be appropriate.
366	Rep. Deckert	Asks if a 15-member group is too large and if it would create a problem.
366	Brewer	Responds that the Building Codes Structures Board currently has 17 members. It is a problem on occasion but the board manages to get its work done.

360	Chair Hill	Closes the public hearing and opens the work session on SB 803-A.
<b><u>SB 803-A n WORK SESSION</u></b>		
385	Rep. Deckert	<b>MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending SB 803-A.</b>
397		<b>VOTE: 9-0-0</b>
	Chair Hill	<b>Hearing no objection, declares the motion CARRIED.</b>
400	Rep. Deckert	<b>MOTION: Moves to AMEND the SB 1026 conceptual amendment to SB 803-A to add four members from the Building Codes Structures Board to the task force.</b>
		<b>VOTE: 9-0-0</b>
	Chair Hill	<b>Hearing no objection, declares the motion CARRIED.</b>
420	Rep. Deckert	<b>MOTION: Moves to conceptually AMEND SB 803-A to include the contents of SB 1026 as amended.</b>
436	Rep. Krummel	Asks if the contents of SB 1026 as amended would replace the contents of SB 803-A.
436	Chair Hill	Responds that would be the affect of the motion.
<b>TAPE 72, A</b>		
009	Rep. Witt	Asks if the Senate knew that the parties wanted to conduct the study instead of the consolidation.
020	Gervais	Responds the building industry had hoped to achieve the bill this session. Discussions were continued throughout the Senate process and they let the Senate members know there was not total agreement.

026	Rep. Witt	Asks if anybody is supporting SB 803-A as it came out of the Senate.
028	Gervais	Responds he is not sure, but the major requestors do not support it in its current form.
041	Rep. Witt	Asks if Gervais has comments on Mr. Oleson's testimony about the authority taken by the board.
042	Gervais	Explains that the director of the department has found the process to be very legal. Adds there are sections of ORS 479, the electrical section of the law, where the legislature has given full policy to the Electrical Board itself and not to the department. There are sections where it is a shared responsibility and there are a few sections where the director delegates to the administrator. Comments that the representative from the attorney general's office has been at every meeting and has found the actions to be legal. Will not speak about the allegations by Mr. Oleson.
063	Ole Oleson	Reads ORS 455.895 (1) on penalties ( <b>EXHIBIT B, page 4</b> ). Comments that the fines can only be levied by the director of DCBS. Adds that administrative rule allows the board to assess civil penalties.
132		<b>VOTE: 9-0-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Hill	<b>The motion CARRIES.</b>  <b>REP. ROSENBAUM will lead discussion on the floor.</b>
139	Rep. King	<b>MOTION: Moves SB 803-A to the floor with a DO PASS AS AMENDED recommendation.</b>
142		<b>VOTE: 9-0-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Hill	<b>The motion CARRIES.</b>  <b>REP. ROSENBAUM will lead discussion on the floor.</b>

<b><u>ANNOUNCEMENTS</u></b>		
153	Chair Hill	Announces locations of the committee meetings for the remainder of the week.
167	Rep. King	Advises that he has received amendments he requested to SB 622 and asks that the administrator distribute copies to members.
172	Chair Hill	Announces that additional amendments to SB 1149-A have been received and will be distributed to the committee members.
187	Chair Hill	Adjourns meeting at 3:46 p.m.

Submitted By, Reviewed By,

Annetta Mullins, Jason Cody,

Administrative Support Administrator

### **EXHIBIT SUMMARY**

**A ñ SB 803, SB 803-A6 amendments, unknown, 1 p**

**B ñ SB 803, prepared statement, Ole Oleson, 5 pp**