

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

March 22, 1995 Hearing Room B
8:00 AM Tapes 106 - 109

MEMBERS PRESENT:

Sen. Gene Derfler, Chair
Sen. Brady Adams, Vice-Chair
Sen. Bob Kintigh
Sen. Neil Bryant
Sen. Bill McCoy
Sen. Randy Leonard

MEMBER EXCUSED:

STAFF PRESENT:

Rita Thomas, Committee Counsel
Glenda Fields, Committee Assistant

MEASURES HEARD:

SB 35 PUBLIC HEARING

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 106, A

001 CHAIR DERFLER: Calling meeting to order at 8:00 AM.
002 CHAIR DERFLER: Opening PUBLIC HEARING on SB 35.
005 RITA THOMAS: Explaining SB 35.
022 SEN. MCCOY: Are we just getting the amendments today?
023 CHAIR DERFLER: This hearing will be an educational process.
036 GEOFF GUILFOY: Building Codes, Explaining SB 35 (EXHIBIT A).
056 SEN. MCCOY: What were the objections to the bill?
063 SEN. KINTIGH: Who were the groups in opposition?
067 GEOFF GUILFOY: Continuing testimony.
108 GEOFF GUILFOY: Cities and County have picked what programs they want to

implement and the rest is left to the State.

121 SEN. MCCOY: How will these amendments solve this problem?

150 GEOFF GUILFOY: 88 cities administer Building Code programs.

157 PEGGY COLLINS: Building Codes Division, There are a number of small cities that have contracted full services.

165 GEOFF GUILFOY: 29 cities leave one or more programs for the State to administer.

200 GEOFF GUILFOY: The purpose of the legislation is to make long overdue changes.

226 SEN. MCCOY: What happens in the mean time if the city opts out of the program?

240 GEOFF GUILFOY: If the state took over all of the inspections, it would take 500 employees.

250 SEN. MCCOY: What is the point in having your office if you are going to contract out?

264 SEN. MCCOY: It seems that your office would have no power at all. There does not seem to be any protection for the public with this bill.

278 SEN. KINTIGH: If the city opts out does the state pick up or the county?

285 PEGGY COLLINS: The county has the option and if they do not pick up the state is responsible.

290 SEN. LEONARD: What is an example of an entity in the private sector that would administer the building codes.

304 PEGGY COLLINS: One key way is a private firm that is a full services organization for all code areas. Mortier Engineering is the current firm.

350 PEGGY COLLINS: The amendment SB 35 creates local enforcement of building codes (EXHIBIT B).

404 PEGGY COLLINS: This bill establishes criteria for creating full service administration plans.

450 PEGGY COLLINS: This bill provides that a program could be revoked if a local jurisdiction is not meeting the performance standards.

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030 PEGGY COLLINS: Contractors will be expected to meet performance standards.

045 SEN. LEONARD: Are those contractors ever acting as builders and regulated by Building Codes?

060 PEGGY COLLINS: It would not be acceptable for the Inspectors to be able to be contractors in the area where they are doing the inspections.

100 PEGGY COLLINS: When a municipality fails to enforce codes the Department can revoke authorization to provide services.

130 PEGGY COLLINS: SB 35 enables local jurisdictions to create viable full service programs.

160 SEN. LEONARD: Are you speaking to the issue that a person must have background in the field in order to be certified?

180 PEGGY COLLINS: Explaining qualifications for inspectors.

192 SEN. LEONARD: Are you having a difficult time attracting people who qualify as inspectors?

207 PEGGY COLLINS: We are wanting to eliminate some of the actual hands on experience requirements.

228 SEN. LEONARD: So you will require some sort of certification?

233 GEOFF GUILFOY: You will hear questions about the quality of inspectors. We are not going to support a process that will diminish the protection to the public.

255 SEN. MCCOY: Have you inventoried the cities and counties to see if you have qualified people for these jobs?

265 PEGGY COLLINS: The idea would be that the state would have to transfer workers to do inspections if the state took over these programs.

290 SEN. MCCOY: The communities are already providing the services why is this bill necessary?

320 PEGGY COLLINS: There has been difficulty in having enough inspectors.

340 SEN. MCCOY: Discussing concern over electrical inspector's lack of experience.

373 PEGGY COLLINS: This change would only effect one and two family dwellings not commercial dwellings.

400 PEGGY COLLINS: The certification amendment is in 35-2.

440 PEGGY COLLINS: SB 35 maintains existing statewide programs and makes BCD's responsibilities clear.

TAPE 106, B

046 SEN. KINTIGH: Reading letter from Cottage Grove concerning SB 35.

060 PEGGY COLLINS: The concerns of Cottage Grove are addressed in this bill.

080 RALPH GROENER: AFSCME, testifying against SB 35.

110 RALPH GROENER: I don't feel like this bill will reduce the number of employees.

135 RALPH GROENER: There are no provisions for penalties in this bill.

180 RALPH GROENER: The amendments were not ready until 4:00 PM yesterday.

210 RALPH GROENER: Would like to see this bill go to an interim committee.

218 SEN. MCCOY: Did the members of the task force participate in the amendments?

235 DON WOODLEY: Marion County, testifying on SB 35.

237 GORDON FULTZ: Association of Oregon Counties, testifying on SB 35.

270 GORDON FULTZ: Discussing adequate notice when the city or county opt out of the program.

300 GORDON FULTZ: We support the general principles in SB 35.

302 DON WOODLEY: Explaining areas and types of inspections his department is responsible for.

330 SEN. KINTIGH: Aurora is a small city. Do they contract out?

353 DON WOODLEY: Explaining contracts Marion County has with cities.

400 DON WOODLEY: Discussing amendments.

440 DON WOODLEY: Will strongly object to any amendment that requires inspectors to monitor the licensing of contractors. It is our job to inspect for safety.

TAPE 107, B

040 SEN. MCCOY: Have you run across people who have been through the 2 year training program?

050 DON WOODLEY: The Chemeketa program is a very good program.

060 SEN. LEONARD: Is the licensing issue you discussed in the amendments?

070 GORDON FULTZ: That was not a part of the task force.

100 DON WOODLEY: Explaining license checking on the job.

108 CHAIR DERFLER: Could you explain how this bill would effect your Department?

110 DON WOODLEY: This bill would help in our planning for big projects.

145 MICHAEL NOLTE: Mortier Engineering, testifying against SB 35 (EXHIBIT C).

180 SEN. MCCOY: What do you mean by rules for the electrical and plumbing certifications?

190 SEN. LEONARD: Are you ever in a position of being regulated by codes?

208 CHAIR DERFLER: What do you consider radical about this bill?

232 MICHAEL NOLTE: We think this bill could take away the home rule from the cities.

280 MICHAEL NOLTE: Discussing the practice of opting out.

295 CHAIR DERFLER: What time frame do you think would be adequate for opting out?

330 MICHAEL NOLTE: There is no justification for establishing separate standards for private contractors.

385 BLAINE BRASSFIELD: City of Albany, testifying on SB 35 (EXHIBIT D).

420 BLAINE BRASSFIELD: Albany would like to go full service. They missed the date for last year and will have to wait until next year.

463 BLAINE BRASSFIELD: Discussing fee scheduling.

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045 BLAINE BRASSFIELD: Discussing training for inspection personnel.

052 CHAIR DERFLER: Could you explain the safety issue that has been brought up?

060 BLAINE BRASSFIELD: Discussing public safety and qualification of inspectors.

080 CHAIR DERFLER: Can people with experience out of state come in and qualify to take the Oregon exam?

100 CHAIR DERFLER: Is there a problem in hiring qualified inspectors in other areas besides plumbing and electrical?

120 BLAINE BRASSFIELD: Someone with many years experience out of state can not sit for the test of electrical inspector and this bill may not change that.

136 NATHAN PHILIPS: Philips Electric, testifying against SB 35.

165 NATHAN PHILIPS: Little or no plan review is taking place. The on site inspection is the only safeguard. Wants assurance that electrical inspectors are qualified.

210 Nathan Philips: The system does little to see that contractors are in compliance. Makes suggestion for improving compliance of regulations.

250 NATHAN PHILIPS: Wants to maintain experienced level of electrical inspectors.

261 SEN. MCCOY: Have you seen the amendments?

270 BOB GOTHAM: Chair, Oregon State Electrical Board, testifying on SB 35.

Discussing permit fees and jurisdictions.

320 BOB GOTHAM: Discussing the problems with combination inspectors.
Encouraging the committee to use counties to establish jurisdiction.

370 SEN. LEONARD: Are you critical of the section that would use education
rather than experience to qualify electrical inspectors.

395 WALT CONNOR: Oregon State Electrical Board, testifying on SB 35.

425 WALT CONNOR: Discussing jurisdiction and compliance with licensing
laws.

460 WALT CONNOR: Discussing qualifications of electrical inspectors.

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050 CHAIR DERFLER: Closing WORK SESSION on SB 35.

054 CHAIR DERFLER: Meeting is adjourned 10:30 AM.

Submitted by, Reviewed by,

Glenda Fields Rita Thomas
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

- A - Testimony on SB 35 - Geoff Guilfooy, Building Codes - 2 pages
- B - Testimony on SB 35 - Peggy Collins, Building Codes - 11 pages
- C - Testimony on SB 35 - Michael Nolte, Mortier Engineering - 18 pages
- D - Testimony on SB 35 - Blaine Brassfield, City of Albany - 3 pages