

Senate Government Operations February 13, 1991 Page 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.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

February 13, 1991Hearing Room "B" 3:00 p.m. Tapes 21 -22

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. Jane Cease, Vice-Chair Sen. Jim Bunn Sen. Ron Grensky Sen. Tricia Smith Sen. Dick Springer

MEMBERS EXCUSED:Sen. John Kitzhaber

STAFF PRESENT: John Houser, Committee Administrator Jayne Hamilton, Committee Assistant

MEASURES CONSIDERED: SB #132 - Authority over building codes matters SB #108 - Plumbing SB #109 - Review of State Agency Rules SB #105 - Electrical Safety HB #2042 - Public Works Contract

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TAPE 21, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:10.

(TAPE 21, SIDE A)

PUBLIC HEARING

SB 132 RELATING TO AUTHORITY OVER BUILDING CODES MATTERS

Witnesses: GARY WICKS, BUILDING CODES AGENCY JANE CUMMINS, LEAGUE OF OREGON CITIES DON WOODLEY, OREGON BUILDERS OFFICIALS ASSOCIATION BURTON WEAST, PLUMBING, HEATING AND COOLING CONTRACTORS JOHN GERVAIS, National Electrical Contractors Association FRED VANATTA, Oregon State Home Builders Association TOM HIGASHI, Counsel for Building Codes Agency

015 GARY WICKS: Read written testimony, Exhibit A.

045 WICKS: Refers to fact sheet on SB 132. Exhibit B.

055 WICKS: Continues with written testimony. Refers to amendments to SB 132. Reviews written testimony, Exhibit C.

098 CEASE: Are there serious problems that would require the kind of authority this bill would allow?

102 WICKS: We had some reason to believe that there were people who were not properly certified doing inspections.

123 TOM HIGASHI, COUNSEL FOR BUILDING CODES AGENCY: We need the authority to

verify whether or not someone has the proper certification to do inspections.

129 CEASE: You are not getting the report from the local government, you're getting it from someone else?

133 HIGASHI: Yes. In one incidence we were denied the information, and had to look at the possibilities of using the Freedom of Information Act to obtain the information we needed.

139 WICKS: Most of the people we deal with on the local level are very cooperative, however there are difficult ones that need additional authority to be able to review what's going on.

165 SPRINGER: Is it true that there is a lot of junk out there that needs to be looked at more seriously, but politically it's hard to do?

177 WICKS: One of the problems is some buildings were built previous to the kind of codes that are in place now.

187 SPRINGER: Is there any way to get at those buildings that are not only displeasing to look at, but are also health hazards as well?

192 WICKS: The Building Codes Agency does not have the authority to adopt a dangerous building code. At the present time local governments do have the authority to do something with those buildings, if they've adopted rules under the General Nuisance Abatement Authority, that local governments have. We do not have that authority so we cannot address the kinds of problems that you mentioned.

222 JANE CUMMINS, LEAGUE OF OREGON CITIES: SB 132 as amended does satisfy our concerns.

267 DON WOODLEY, OREGON BUILDING OFFICIALS ASSOCIATION: We support SB 132 as amended.

279 SPRINGER: Tell me how you would respond to my question about these buildings that are such a mess?

292 WOODLEY: The areas that you are talking about are the same ones that this task force has concerns about. This is relevant to a housing code. Housing codes are very expensive to maintain. You have to hire a lot of people to inspect them, and to have someone upgrade an existing structure is expensive.

320 SPRINGER: So the first step would be for the county to adopt a housing code to give you the enforcement authority to perform a nuisance like function?

326 WOODLEY: That's correct.

327 SPRINGER: Do your commissioners show much interest in taking this step?

336 WOODLEY: There is a great deal of interest to clean up the mess, and there is a task force working on it.

358 BURTON WEAST, PLUMBING, HEATING, AND COOLING CONTRACTORS: We support SB 132.

378 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: We support SB 132.

411 FRED VANATTA, OREGON STATE HOME BUILDERS ASSOCIATION: We support SB 132 as amended.

420 HOUSER: Distributed fiscal impact statement for SB 132, Exhibit C-1.

421 OTTO: Closed hearing on SB 132 and called for a work session to be scheduled at a later date.

(TAPE 21, SIDE A)

PUBLIC HEARING

SB 108 RELATING TO PLUMBING

Witnesses: Burton Weast, Plumbing, Heating, and Cooling Contractors Gary Wicks, Building Codes Agency Terry Swisher, Building Codes Agency

434 GARY WICKS, BUILDING CODES AGENCY: Read written testimony, Exhibit D. Refers to fact sheet, Exhibit E.

TAPE 22 SIDE A

037 TERRY SWISHER, BUILDING CODES AGENCY: Concurred with Gary Wicks' Testimony.

043 BURTON WEAST, PLUMBING, HEATING, AND COOLING CONTRACTORS: We are here to urge you to pass this legislation so that we can have some sanity on how we buy copper pipe, and get more competition in the market place.

WORK SESSION

063 MOTION: SEN CEASE MOVED SB 108 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

065 VOTE: MOTION CARRIED 6-0. (EXCUSED: SEN KITZHABER)

(TAPE 22, SIDE A)

PUBLIC HEARING

SB 109 RELATING TO REVIEW OF STATE AGENCY FUNDS

Witnesses: Gary Wicks, Building Codes Agency Tom Higashi, Building Codes Agency Carol Erwin Leowen, Secretary of State

075 GARY WICKS, BUILDING CODES AGENCY: Read written testimony, Exhibit F. Refers to SB 109 fact sheet, Exhibit G.

105 SMITH: I assume the terms unusually voluminous, and costly to reproduce, are defined somewhere.

112 TOM HIGASHI, COUNSEL FOR BUILDING CODES AGENCY: There is no definition of unusually voluminous that we know of.

119 SMITH: If there is no definition, who would determine which are, and which are not?

121 HIGASHI: The Secretary of State and the Legislative Counsel would make that determination.

123 CEASE: Are there other State agencies that you can think of that could be effected by this bill?

132 HIGASHI: I'm not aware of any other agency who has this problem.

143 CAROL ERWIN LEOWEN, SECRETARY OF STATE OFFICE: We have no objections to

this bill.

WORK SESSION

SB 109 RELATING TO REVIEW OF AGENCY RULES

155 MOTION: SEN GRENSKY MOVED SB 109 TO THE FLOOR WITH A DO PASS RECOMMENDATION

160 VOTE: MOTION CARRIED, 6-0. (EXCUSED: SEN KITZHABER.)

(TAPE 22, SIDE A)

WORK SESSION

SB 105 RELATING TO ELECTRICAL SAFETY

165 HOUSER: Reviews SB 105, and distributes proposed amendments.

186 MOTION: SEN BUNN MOVED THE -1 AMENDMENTS TO SB 105. HEARING NO OBJECTION, SO ORDERED.

189 MOTION: SEN BUNN MOVED SB 105 TO THE FLOOR WITH A DO PASS RECOMMENDATION

199 VOTE: MOTION CARRIED, 6-0. (EXCUSED: SEN KITZHABER.)

(TAPE 22, SIDE A)

WORK SESSION

HB 2042 PUBLIC WORKS CONTRACTING

211 HOUSER: Explained the status of the bill in relation to the committee.

218 MOTION: SEN BUNN MOVED RECONSIDERATION OF HB 2042. HEARING NO OBJECTIONS, SO ORDERED.

242 MOTION: SEN BUNN MOVED TO AMEND THE HB 2042 BY ADDING THE EMERGENCY CLAUSE TO IT. HEARING NO OBJECTION, SO ORDERED.

248 CEASE: When I talked to the AGC, they said they thought it was a good idea to have legislative council check to make sure that the other sections that should be added will be added. I would appreciate it if we could do that.

260 HOUSER: We'll reschedule the bill upon the recommendation of legislative council.

Meeting adjourned at 4:00

Submitted By:

Reviewed By:

Jayne Hamilton
Assistant

Joan Green
Assistant

EXHIBIT LOG

A - Written testimony on SB 132, Gary Wicks, 4 pages B - Fact sheet on SB 132, Gary Wicks, 3 pages C - Explanation of amendments on SB 132, Gary Wicks, 6 pages C-1 - Fiscal impact statement for SB 132 D - Written testimony on SB 108, Gary Wicks, 2 pages E - Fact sheet on SB 108, Gary Wicks, 2 pages F - Written testimony on SB 109, Gary Wicks, 2 pages G - Fact sheet on SB 109, Gary Wicks, 2 pages