

Senate Government Operations February 22, 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 22, 1991Hearing Room "B" 3:00 p.m. Tapes 29 - 30

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 #127 - Prefabricated structures, PH/WS SB #129 - Plumbing products, PH/WS SB #448 - Certain Salaries, WS

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TAPE 29, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:09.

007 MOTION: SEN. CEASE MOVED TO ADOPT LC DRAFT 2328 AS A COMMITTEE BILL. HEARING NO OBJECTIONS, SO ORDERED.

(TAPE 29, SIDE A)

PUBLIC HEARING

SB 127 RELATING TO PREFABRICATED STRUCTURES

Witnesses:Gary Wicks, Building Codes Pat Lewis, Building Codes Don Woodly, Oregon Building Officials Association

020 GARY WICKS, BUILDING CODES: Read written testimony, Exhibit B. Referred to fact sheet on SB 127, Exhibit C.

074 BUNN: Does a prefabricated structure include a mobile home?

078 PAT LEWIS, BUILDING CODES: No it does not.

084 BUNN: Are park units classified as mobile home recreational vehicles?

086 LEWIS: Yes.

091 BUNN: If you had a prefabricated structure that was manufactured in Washington, and someone moved it to Oregon, would there be a problem with this law prohibiting that?

095 LEWIS: The current law would not allow it.

110 DON WOODLEY, OREGON BUILDING OFFICIALS ASSOCIATION: Supports the bill.

WORK SESSION

128 HOUSER: Reviewed -1 amendments, Exhibit D.

147 MOTION: SEN. CEASE MOVED TO ADOPT THE -1 AMENDMENTS TO SB 127 .

154 BUNN: I intend to vote no.

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

168 MOTION: SEN. CEASE MOVED SB 127 TO THE FLOOR AS AMENDED WITH A DO PASS RECOMMENDATION.

171 VOTE: MOTION CARRIED, 5-1, VOTING NO, SEN. BUNN. (EXCUSED, SEN. KITZHABER.)

(TAPE 30, SIDE A)

PUBLIC HEARING

SB 129 RELATING TO PLUMBING PRODUCTS

Witnesses: Gary Wicks, Building Codes Terry Swisher, Building Codes Don Woodley, Oregon Building Officials Association Richard Pooley, Plumbing Board

182 GARY WICKS, BUILDING CODES: Read written testimony, Exhibit E. Made reference to fact sheet to SB 129, Exhibit F, and also the proposed amendments, Exhibit G.

270 OTTO: Does UL Lab also test plumbing devices?

273 TERRY SWISHER, BUILDING CODES: Yes they do.

278 OTTO: In the past members of the electrical industry had to go to foreign countries to get their testing done. Is that true with plumbing?

283 SWISHER: That's correct. We review the labs to ensure proper processes, and it sometimes means going to a foreign country. We'd like to hire some engineering firms to go out and do the review of the testing labs.

316 SMITH: Are you going to interview labs and determine which ones are alright and which ones aren't, and then send a list to manufacturers and suggest they use them if they want certification in Oregon?

341 WICKS: We don't have anything to do with the contract between the manufacturer and the inspection lab.

359 SMITH: How is a manufacturer going to know what's okay in Oregon and what isn't?

362 SWISHER: Currently, plumbing products are approved by one method of listing agency approval. We would list that these have been accredited laboratories.

395 SMITH: Since you will be contracting the function of inspection of the labs, are you going to reduce your staff?

398 WICKS: At the present time there are no plans to reduce the staff. We hope to get a better product approval process and allow our staff to do the job of inspecting plumbing and developing codes for the inspection of plumbing.

414 SPRINGER: How did you decide to deal with the penalty in section 8 to begin with?

441 WICKS: Section 8 is to make it so that there is a penalty to the person who installed and unapproved product.

TAPE 30, SIDE A

023 SPRINGER: Recommended removing section 8 entirely because there are already remedies such as warranties.

032 WICKS: I'm not sure that leaving it in there limits other remedies.

048 GRENSKY: What are you trying to address that hasn't been addressed previously?

058 WICKS: We're trying to give the individual who is sold a disapproved product some remedy so that he can get back at least the purchase price.

071 GRENSKY: Are you aware of situations such as that happening?

072 WICKS: Yes.

078 GRENSKY: If someone does that don't I have a remedy. If it's a contractor can't I go after their bond?

080 WICKS: You have a remedy if you have a contractor do it, but there's also products out there that are not necessarily installed by a contractor.

082 GRENSKY: So this would help if I went to a wholesaler and was putting in the product myself and found it to be uncertified.

086 WICKS: Yes.

110 GRENSKY: I would like it clarified that a person is not restricted to just these remedy.

113 OTTO: In the electrical industry it's unlawful to sell electrical parts in the State of Oregon unless it's been UL approved. Is that true of the plumbing industry?

117 WICKS: It's true that it's against the law to sell a product that hasn't been approved, but the plumbing program has not had the authority to do is to except the approvals from testing labs as part of their approval process. We could, under SB 129, accept the work that's done by properly certified testing labs.

137 DON WOODLEY, OREGON BUILDING OFFICIALS ASSOCIATION: Supports the bill.

169 ROBERT PAULIC, STAFF ENGINEER UNDERWRITERS LABORATORIES: Supports the bill.

203 RICHARD POOLEY, PLUMBING BOARD; Supports the bill.

298 WICKS: After a consultation with my legal adviser it seems to me that we can take care of Sen.2 Springers' concerns by simply inserting on section 8, page 2 line 35, an addition there in front of any person to say, in addition to any other remedy provided by law.

313 SPRINGER: That satisfies me.

325 HOUSER: Distributed fiscal impact statement, Exhibit H.

WORK SESSION

331 MOTION: SEN. SPRINGER MOVED TO AMEND SB 129 TO ADOPT THE ADDITIONAL LANGUAGE READ IN THE RECORD, PERTAINING TO SECTION 8 PAGE 2 LINE 35, "IN ADDITION TO ANY OTHER REMEDIES PROVIDED BY LAW" AND RETAIN THE THREE TIMES THE PURCHASE PRICE LANGUAGE IN THE ORIGINAL BILL

361 BUNN: I object. I think we're setting up a criteria where some supplier is going to make a mistake in their purchase and once they do all it takes is for someone to go in and buy everything in stock collect three times the amount legally. I think we're opening up an unfair situation to deal with somebody who makes an honest mistake in purchasing.

371 GRENSKY: I'm not going to object. I think there's a real incentive to make sure you're getting certified products, and the first time that happens to you you're going to pull that stuff off the shelf and it's going to be the retailer's problem to make sure it doesn't happen any more and I also think there is a certain argument that can be made for expediency. The person who does this every day is going to know if they're getting the right stuff, and I'm not concerned about them getting caught by surprise, but I do think the home remodeler is the one who is not going to know if they're getting a good product or not.

397 BUNN: Gary, does the testing include pumps.

402 WICKS: I'd like to check with Terry Swisher.

404 SWISHER: Yes it would.

429 VOTE: MOTION CARRIED, 4-1. VOTING NO SEN. BUNN AND SEN. OTTO.
(EXCUSED: SEN. KITZHABER.)

440 MOTION: SEN. SPRINGER MOVED THE FLOOR AS AMENDED TO THE FLOOR WITH
A DO PASS RECOMMENDATION.

449 VOTE: MOTION CARRIED, 5-1. VOTING NO SEN. BUNN. (EXCUSED: SEN.
KITZHABER.)

TAPE 29, SIDE B

WORK SESSION

SB 448 RELATING TO

021 MOTION: SEN. CEASE MOVED TO TABLE SB 448.

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

Meeting adjourned at 4:07

Submitted By:

Reviewed By:

Jayne Hamilton
Assistant

Joan Green
Assistant

EXHIBIT LOG

A - LC Draft 2328, staff, 15 pages B - Written testimony on SB 127, Gary
Wicks, 3 pages C - Fact sheet on SB 127, Gary Wicks, 2 pages D - Proposed
amendments to SB 127, staff, 2 pages E - Written testimony on SB 129,
Gary Wicks, 3 pages F - Fact sheet on SB 129, Gary Wicks, 2 pages G -
Proposed amendments to SB 129, staff, 1 page H - Fiscal statement for SB
129, Staff, 1 page