

Senate Government Operations February 25, 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 25, 1991Hearing Room "B" 3:00 p.m. Tapes 31 - 32

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 Joan Green,
Committee Assistant

MEASURES CONSIDERED: SB 107 - Relating to Building Codes,
PH/WS SB 145 - Relating to Building Codes Inspections, PH/WS SB 132 -
Relating to Authority over Building Code Matters, WS HB 2042 - Relating
to Public Works Contracting, WS

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TAPE 31, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:10 p.m. as a subcommittee.

(TAPE 31, SIDE A)

PUBLIC HEARING

SB 107, RELATING TO BUILDING CODES

Witnesses:Gary Wicks, Building Codes Agency, Administrator Tom Higashi, Building Codes Agency Jane Cummins, League of Oregon Cities Don Woodley, Oregon Building Officials Association Mike Cliburn, Clackamas County Building Official

011 GARY WICKS, BUILDING CODES AGENCY, ADMINISTRATOR: Discusses written testimony, Exhibit A.

029 OTTO: Would the plans examiner have the expertise to inspect a job?

032 WICKS: To inspect in a code specialty a person would need to be certified in that specialty. A plans examiner would not necessarily be certified in all of the areas.

037 OTTO: Would the plans examiner have a certain amount of field work before he could become a plans examiner? My concern is you can have the book learning, but if you haven't spent any time in the field there is no practical experience.

047 WICKS: We are trying to include the definition of plans examiner along with inspector, so if the bill passes we can require continuing education of plans examiners as well as other inspectors. We are not changing the way we certify, train or use plans examiners.

059 TOM HIGASHI, BUILDING CODES AGENCY: Plans examiners must meet set qualifications, including practical background experience in the construction trade.

064 OTTO: In the plumbing industry a plans examiner would have knowledge in the field of plumbing, correct?

068 HIGASHI: I am not sure we have plans examiners in the plumbing area, but in the structural area, yes they would have a construction background.

071 OTTO: My concern with the way the bill reads is a plans examiner

could be made an inspector without having worked in the field.

074 HIGASHI: Before that person could be put in the field to inspect the person would need to take the examination and meet the qualifications of an inspector.

077 OTTO: I realize that, but would they have any practical experience?

082 WICKS: The bill does not change the requirements for a plans examiner or the inspector. Proper training to meet the minimum qualifications and obtain the proper certification is still required of an inspector. The bill is trying to allow a plans examiner under the definition of inspector, for the purposes of requiring continuing education. The plans examiner, when there is a code change, would update his education so he could function as a plans examiner. Whatever requirements we have currently under the law to become a plans examiner are still there and nobody could become an inspector other than through the necessary certification and qualifications. Continues discussion of written testimony, pg. 2, Exhibit A. Discusses proposed -1 amendment to SB 107, Exhibit B.

200 JANE CUMMINS, LEAGUE OF OREGON CITIES: Speaks in support of SB 107. Refers to §3 of SB 107 specifying the conditions under which a certification could be suspended or revoked. Supports the Building Codes Agency's approach to §5 of SB 107, requiring continuing education at the time of code change and then delegating the responsibility to local governments. This approach will ensure that inspectors are adequately trained and allow for specific local needs and resources to be taken into account.

228 DON WOODLEY, OREGON BUILDING OFFICIALS ASSOCIATION: Speaks in support of SB 107. We have had a continuing education requirement for certified inspectors since the mid 1970's. We were unaware it was illegal to require it. This is a better tact in that it allows local discretion on some of the certification and training requirements. Comments on Chair Otto's question about the plumbing and electrical plans review. To my knowledge a set of electrical plans would be reviewed by a supervising electrician or a certified electrical inspector and the plumbing is reviewed by a plumbing inspector.

259 MIKE CLIBURN, CLACKAMAS COUNTY BUILDING OFFICIAL: Speaks in support of continuing education and a do pass as amended recommendation.

281 OTTO: Do you use the facilities at Clackamas Community College?

283 CLIBURN: I would hope to better utilize, in the coming years, the community college system in our continuing education. Currently we teach cable courses and apprenticeship courses at that level. If we could standardize the courses throughout the state we could better utilize the community colleges.

WORK SESSION

316 MOTION: SEN. SMITH MOVED ADOPTION OF THE -1 AMENDMENT, DATED 02/19/91, EXHIBIT B. MOTION CARRIED BY ACCLAMATION.

324 MOTION: SEN. SMITH MOVED SB 107 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

329 VOTE: MOTION CARRIED: 4-0. (EXCUSED: SEN. CEASE, SEN. GRENSKY, SEN. KITZHABER). CHAIR OTTO WILL LEAD THE FLOOR DISCUSSION.

(TAPE 31, SIDE A)

PUBLIC HEARING

SB 145, RELATING TO BUILDING CODE INSPECTIONS

Witnesses: Gary Wicks, Building Codes Agency, Administrator Mary Botkin, American Federation of State, City and Municipal Employees

340 GARY WICKS, BUILDING CODES AGENCY, ADMINISTRATOR: Discusses written testimony, Exhibit C.

416 OTTO: Are there amendments to address contracting to a competitor for inspection of a job?

427 WICKS: I have no amendments to the bill. That could be addressed through the contracting authority. We would do our best to assure there is no conflict of interest on the part of the contractor or the private individual.

467 OTTO: Is a city notified before they are disqualified from inspecting projects?

478 WICKS: I am not sure we have ever taken a program back from a jurisdiction and I would guess we would give notice if we were going to that. Under the provisions in SB 132 we are clearly responsible to notify and provide the opportunity to respond before the jurisdiction is taken away.

TAPE 32, SIDE A

033 WICKS: SB 145 would address when a jurisdiction opts out of the program without proper notification to the Building Codes Agency. Under those circumstances we would want to be able to hire a private contractor.

040 OTTO: In the event a city or the Building Codes Agency discontinued a program adequate warning would be given?

042 WICKS: That is our intent. Sometimes we don't get a lot of notice on what a local jurisdiction has planned.

070 MARY BOTKIN, AMERICAN FEDERATION OF STATE, CITY AND MUNICIPAL EMPLOYEES: Discusses her understanding of the bill. It appears to address the problem of finding and utilizing qualified inspectors, mostly in rural areas or where there is an unseen absence or vacancy of inspectors. It is our understanding the intent of the bill is not an effort to permanently replace any of the current inspectors working for the Building Codes Agency. We had the same problem Chair Otto voiced of an inspector being contracted to inspect work when they may have something to gain from someone's work not passing inspection. If this bill does exactly what Mr. Wicks discussed we will not oppose the bill. Our concern, as always, is what the cities and counties will do with the bill once they get it.

131 Distributed fiscal impact statement, Exhibit D.

WORK SESSION

134 MOTION: SEN. GRENSKY MOVED SB 145 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

138 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. BUNN, SEN. KITZHABER, SEN. SPRINGER). SEN. GRENSKY WILL LEAD THE FLOOR DISCUSSION.

(TAPE 31, SIDE A)

WORK SESSION

SB 132, RELATING TO AUTHORITY OVER BUILDING CODE MATTERS

Witnesses: Gary Wicks, Building Codes Agency, Administrator

155 HOUSER: Recaps testimony from public hearing on SB 132, February 13, 1991. Staff has contacted the Building Codes Agency and the Legislative Fiscal Office and all parties agree, based on Fiscal's assessment of the bill, the subsequent referral to Ways and Means could be rescinded. Distributes the -1 amendments, dated 02/12/91, Exhibit E.

197 GARY WICKS, BUILDING CODES AGENCY, ADMINISTRATOR: Reviews the -1 amendments, Exhibit E section by section. The amendments are supported by the Building Codes Agency and the Legislative Committee of the Building Officials Association.

243 OTTO: Are you aware of any opposition to the amendments?

244 WICKS: No, but there is some opposition to the bill.

250 CEASE: Distributes copy of letter, Exhibit G.

262 MOTION: SEN. CEASE MOVED THE ADOPTION OF THE -1 AMENDMENTS DATED 02/12/91 TO SB 132. MOTION CARRIED BY ACCLAMATION.

271 MOTION: SEN. CEASE MOVED SB 132 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

275 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. BUNN, SEN. KITZHABER, SEN. SMITH). SEN. CEASE WILL LEAD THE FLOOR DISCUSSION.

(TAPE 31, SIDE A)

WORK SESSION

HB 2042 RELATING TO PUBLIC WORKS CONTRACTING

291 HOUSER: HB 2042 would add language to the public contracting statutes defining the term "emergency" as it would apply to the public contracting bidding process. The Committee has considered the -1 amendments which would add an emergency clause to the bill. Sen. Cease raised a question about all of the definitions in the bill and whether they are applicable to other sections of public contracting law. After reviewing her request Legislative Counsel provided the Committee with the -2 amendments, dated 02/14/91, Exhibit F, which would extend the definition beyond the existing law to include all sections of public contracting law through ORS 279.111. The Committee has two sets of amendments to consider.

316 BUNN: Didn't we previously adopt the -1 amendments?

319 HOUSER: Yes.

337 MOTION: SEN. BUNN MOVED TO AMEND HB 2042 AS AMENDED BY ADOPTING THE -2 AMENDMENTS, DATED 02/14/91, EXHIBIT F.

350 CEASE: Does that include the sections the way they should read?

351 HOUSER: Yes.

353 VOTE: MOTION CARRIED BY ACCLAMATION.

354 MOTION: SEN. BUNN MOVED HB 2042 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION.

359 VOTE: MOTION CARRIED, 5-0. (EXCUSED: SEN. KITZHABER, SEN. SMITH). SEN. BUNN WILL LEAD THE FLOOR DISCUSSION.

381 Meeting adjourned at 4:05 p.m.

Submitted By:

Reviewed By:

Joan Green
Assistant

Jayne Hamilton
Assistant

EXHIBIT LOG

A - Written testimony, Wicks, 6 pgs. B - SB 107-1 amendments, Staff, 1 pg. C - Written testimony, Wicks, 4 pgs. D - Fiscal impact statement to SB 145, Staff, 1 pg. E - SB 132-1 amendments, Staff, 2 pgs. F - HB 2042-2 amendments, Staff, 1 pg. G - Letter, Cease, 1 pg.