

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

April 3, 1991 Hearing Room "B" 3:00 p.m. Tapes 5S - 56
MEMBERS PRESENT: Sen. Glenn Otto, Chair Sen. Jane Cease, Vice-Chair
Sen. Jim Bunn Sen. Tricia Smith Sen. Dick Springer MEMBERS
EXCUSED: Sen. Ron Grensky Sen. John Kitzhaber STAFF PRESENT: John
Houser, Committee Administrator Joan Green, Committee Assistant MEASURES
CONSIDERED: SB 1019 - Relating to electrical contractors, PH SB 1020
- Relating to electrical contractors, PHIVVS SB 1032 - Relating to
electrical safety law, PHIWS

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 55, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:15 p.m.

(TAPE 55, SIDE A) PUBLIC HEARING SB 1019 RELATJNG TO ELECTRICAL CONTRACTORS Witnesses: John Gervais, National Electrical Contractors Association Margaret Mahoney, Oregon Building Officials Association Valerie SaliSB ury, League of Oregon Cities Gary Wicks, Building Codes Agency, Administrator Greg Teeple, International Brotherhood of Electrical Workers, Local 48 Duane Vaubel, Independent Electrical Contractors of Oregon Tim Gauthier, Oregon Columbia Chapter of the National Electrical Contractors Association, Manager

013 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: The required permit and inspection system and the five year apprenticeship program comprise the components, under Oregon electrical safety law, that provide safety protection to the citizens of Oregon. Due to the lack of total permit inspection, much of the consumer safety Senate Government Operations April 3, 1991 Page 2

inspection is encompassed in the training of the electrician. It was presumed that all electrical inspection authorities were required to check for electrical licenses in addition to the permit inspection, but according to the Attorney Generals (AG) opinion, Exhibit C that was not the case. We have introduced SB 1019 which would continue the concept of SB 594 passed in the 1987 session and require local jurisdictions to check for licenses when they routinely inspect the installation. Electrical permits can be sold to people other than a licensed electrical contractor.

048 GREG TEEPLE, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 48: I would like the Committee to focus on the issue of maintaining the integrity of the program by the various checks and balances spoken to by Mr. Gervais. An inspector should check licenses until they know a contractor and/or electrician, once they know the contractor and/or electrician it would no longer be necessary to check that persons license. 073 TIM GAUTHIER, OREGON COLUMBIA CHAPTER OF THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION, MANAGER: Concurs with Mr. Teeple and Mr. Gervais and speaks in support of SB 1019. Because of geography we have people from Washington that do installations in the State of Oregon, therefore electrical inspectors, under a routine situation, should be allowed to check a license and ensure that the person doing an installation is licensed in the State of Oregon.

096 SMITH: Could amendments be suggested to the Committee that would assure counties and cities would not be required to make license inspections every time they make an installation inspection?

105 GERVAIS: That could be clarified by amendments. 115 SMITH: It seems the bill is a good idea, but it could become burdensome the way it is written. 118 GERVAIS: We would work with the G mmittee to amend the bill. 124 OTTO: It takes about two minutes for an inspector to request a license and an electrician to show it. 142 SMITH: While actually on the job site it should not be difficult to check the license. However the language does not address when a license is checked, it says "shall perform license enforcement inspections". I can envision a major bureaucratic process requiring mailings, forms, etc. I would like to see the language more clearly state that when you are on the job you shall ask to see their license.

151 TEEPLE: Our intent is that any city or county that takes the jurisdiction of the electrical inspection from the state also takes with it the authority for license enforcement. 166 CEASE: Isn't Sen. Smith's concern that the language in the printed bill needs to read "they shall perform license enforcement inspections when the city or county inspector is inspecting", or something to that effect?

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174 GERVAIS: The AG's letter is ambiguous and so we want to be sure they have the authority first. We have also discussed, on our part, to give them the civil penalty monies that they derive from this activity to help offset costs. 193 Distributes fiscal impact statement, Exhibit A. 194 MARGARET MAHONEY, OREGON BUILDING OFFICIALS ASSOCIATION: Discusses written testimony, Exhibit B. 245CEASE: What is the process for checking licenses at this time? 247 MAHONEY: We check licenses at the counter before issuing a permit. The applicant must verify that they have a Construction Contractors Board license and their electrical license. 250 CEASE: That would cover the applicant, but not everyone on the job? 252MAHONEY: Yes. In the City of Portland if we see someone we are not familiar with, our staff will check. 256 CEASE: Must any statement be made that people working on the job will be licensed? 260 MAHONEY: Our permit forms require the applicant to abide by the law, as I recall the electrical permit is more specific. Offers to provide the members with a copy of that. The state has two agencies with the responsibility of license enforcement: 1. the Construction Contractors Board and 2. the Building Codes Agency (BCA); perhaps there needs to be discussion about that kind of coordination. 272 OTTO: Whenever I have had my license inspected by any jurisdiction there has been unrelated conversation taking place. I don't think it would be a great burden to have the inspector check licenses. 284 SMITH: Is everyone on a job site that puts wire together required to be a licensed electrician? 288 OTTO: Yes. 290 MAHONEY: With the exception of a homeowner working on their own home. 298 VALERIE SALISB URY, LEAGUE OF OREGON CITIES: Basically concurs with the Building Officials. A license inspection may take a few minutes if the person is- cooperative, if the contractor/electrician is uncooperative it can take much longer. I do not believe that information is factored into the Building O ficials comments. Although it is our understanding we would not be required to do a thorough enforcement program, there is concern others would expect us to go beyond the routine field visit. We would not want to be given those responsibilities without a way to pay for them. 338 GARY WICKS, BUILDING CODES AGENCY, ADMINISTRATOR: Due to a decision by the BCA to emphasize compliance in the electrical program by

local jurisdictions, we met with the Oregon Building Officials Association who questioned whether local jurisdictions had

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that responsibility, resulting in the AG's opinion, Exhibit C. Because of the AG's opinion the BCA has increased the compliance program, and through substantial fee increases, now has two full time compliance employees. It is important to recognize that because the electrical program is administered at the local level it is necessary to have the cooperation of local jurisdictions in the enforcement of licensing laws.

427 SMITH: Is there a way for jurisdictions taking on this responsibility to access some of the fee increases or civil penalties?

TAPE 56, SIDE A 011 WICKS: If we can implement the proposed additional fee increase we could, along with the substantial fee increase already in effect, end 1993 in the black for the inspection and permitting program. We are not in a position to divert very much of the electrical revenue to other entities. Monies generated from fines and civil penalties is projected to be \$73,000 in the next biennium, I think some of that money could be made available to the local jurisdictions.

042 DUANE VAUBEL, INDEPENDENT ELECTRICAL CONTRACTORS OF OREGON: Speaks in support of SB 1019. Licensing, by definition, is a matter of assuring the general public of the competency of the electrician; license enforcement and compliance would further assure the general public.

(TAPE 56, SIDE A)

PUBLIC HEARING

SB 1020 RELATING TO ELECTRICAL CONTRACTORS

Witnesses: John Gervais, National Electrical Contractors Association
Valerie Salisbury, League of Oregon Cities
Clay Roberts, Jackson Electric
Bill Orgill, Oregon Pacific Cascade Chapter of the National Electrical Contractors Association, Manager
Gary Wicks, Building Codes Agency, Administrator

- 083 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: SB 1020 would correct, what we consider to be an ethical conflict, in using an individual contractor to do electrical permit safety inspections and other related activities, as it applies to smaller communities in the state. In the 1987 legislative session SB 594 was passed to create a minimum standard of quality for local jurisdictions as they take over electrical inspection programs. That standard is jeopardized when a local government chooses to use an electrical contractor that works within the jurisdiction he is inspecting. Cites 1980 incident of a Marion County electrical inspector who would find corrections during an inspection and then electrical inspector who would find corrections during an inspection and then approach the contractor and offer to have his firm make the corrections for less money. The approach the contractor and offer to have his firm make the corrections for less money. The inspector's spouse, who was unlicensed, would do the electrical work.
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113 CLAY ROBERTS, JACKSON ELECTRIC: Speaks to electrical contractors performing inspections for the southern cities and running in competition with the regular contractors in the county. 124 BILL ORGILL, OREGON PACIFIC CASCADE CHAPTER OF THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION, MANAGER: Concurs with Mr. Gervais. 143 SMITH: Where would you find a noncompeting electrical contractor for local jurisdictions to contract with? 152 GERVAIS: We don't think it is possible. 156 SMITH: In essence we would be banning contracting electrical inspections to electrical contractors in competing jurisdictions. Local jurisdictions would need to hire someone to inspect. 161 GERVAIS: If a jurisdiction does not have enough revenue for the program the state could do the program. 165 MOUSER: Was the family member of the Marion County inspector the electrical contractor? 169 GERVAIS: As I recall he owned the company directly, his spouse and children, who were unlicensed, were employees of the company and did the work. 172 MOUSER: If the spouse owned the company, and the inspector did not have an identifiably direct relationship to the business, this bill would not apply would it? 177 GERVAIS: Correct, spouses have rights to their own identity. 189 VALERIE SALISB URY, LEAGUE OF OREGON CITIES: Although we don't disagree with the intent of SB 1020 there are times when it is not possible to avoid this situation. The staff electrical inspector in Medford was out of work for two months due to health reasons, and there was no way to cover that assignment other than hiring a contract inspector on a temporary basis. In many jurisdictions there is not a pool of retired electrical certified contractors to perform inspections and we are not allowed to avoid doing the inspections. Turning the program over to the state would not be an option at that point, if there were an emergency provision allowing jurisdictions to deal with medical emergencies I don't think we would oppose the concept. 217 SMITH: Do you have language to address that? 218 SALISB URY: I could have language prepared and submitted shortly.

WORK SESSION

234 CEASE: Are we going to get amendments?

237 OTTO: I don't think the amendment is necessary, I think they can find someone to inspect or Senate Government Operations April 3, 1991
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else rely on the state.

246 SMITH: Can the state come in for a temporary situation within a city?

252 GARY WICKS, BUILDING CODES AGENCY, ADMINISTRATOR: We have had situations where a local jurisdiction has temporarily not had an inspector and the state, if we have the manpower, has been available. We are not equipped to do it on a large scale basis, but we can do it on a case by case basis.

262 SMITH: There is nothing in the law to preclude that?

· '263 WICKS: No. 263 MOTION: SEN. SMITH MOVED SB 1020 TO THE FLOOR WITH A DO PASS RECOMMENDATION. 268 CEASE: I have reservations, I don't think I will support it. 271 OTTO: We have lost our votes then. 273 MOTION WITHDRAWN.

(TAPE 56, SIDE A) PUBLIC HEARING SB 1032 RELATING TO ELECTRICAL SAFETY LAW Witnesses: John Gervais, National Electrical Contractors Association Jane Cummins, League of Oregon Cities Tim Gauthier, Oregon Columbia

Chapter of the National Electrical Contractors Association, Manager

283 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: We would like to integrate the concept of SB 594 from the 1987 legislative session into SB 1032 to create a standard of quality which would be undertaken by a local government should they choose to do a plan review. SB 1032 would need to be amended to allow the jurisdictions the option of providing plan review rather than stating they "will" provide plan review. If a program is undertaken we would like the rules to provide for an individual who understands electrical plans to be used, that reasonable fees be charged and response be made within a reasonable period of time.

315 TIM GAUTHIER, OREGON COLUMBIA CHAPTER OF NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: Concurs with Mr. Gervais. The uniform calculation method, the uniform application process and now a uniform plan review system is the next step in making sure the inspection cost is carried throughout the state in a uniform manner and would eliminate guesswork from jurisdiction to jurisdiction. We are requesting that rules be developed by the building officials, the industry and the jurisdictions to adopt a uniform

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plan review which would outline who would review the plans, when a plan review is required and what is required in the way of documentation to the jurisdiction. SB 1032 would create a uniform standard for plan review throughout state.

376 JANE CUMMINS, LEAGUE OF OREGON CITIES: As the bill was drafted we were unsure as to the intent. We have no problem with the bill as explained by Mr. Gervais, with his proposed amendment. We would like to see clarifying language.

389 OTTO: Are you requesting an amendment? '391 CUMMINS: We would like In. 16 of the printed bill to read "if a city or county does plan review, we believe the current language is unclear.

WORK SESSION

418 MOTION: SEN. BUNN MOVED TO CONCEPTUALLY AMEND SB 1032 TO CLARIFY THAT IT IS IN FORCE, IF THEY CHOOSE TO REVIEW THE PLANS, THEN THEY WILL COMPLY WITH THE REQUIREMENT. MOTION ADOPTED BY ACCLAMATION.

432 MOTION: SEN. BUNN MOVED SB 1032 TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION. 438 VOTE: MOTION CARRIED, 5-0. (EXCUSED: SEN. GRENSKY, SEN. KITZHABER). SEN. SPRINGER WILL LEAD THE FLOOR DISCUSSION.

(TAPE SC, SIDE A)

WORK SESSION

SB 1020 RELATING TO ELECTRICAL CONTRACTORS

Witnesses: Junior Owings, Building Codes Agency, Electrical Safety Program, Chief Electrical Inspector Margaret Mahoney, Oregon Building Officials Association

452 MOTION: SEN. SMITH MOVED SB 1020 TO THE FLOOR WITH A DO PASS
RECOMMENDATION. 457 CEASE: I heard the smaller cities express a
concern that the state would not be able to provide the necessary permit
inspection in some cases and that there is a 24 hour deadline. In
talking with them further this is still a concern. 475 MARGARET
MAHONEY, OREGON BUILDING OFFICIALS ASSOCIATION: Mr. Wicks indicated that
they might have personnel available, but the issue for the smaller city
is whether the personnel is available quickly enough to continue the
work that is already under personnel is available quickly enough to
continue the work that is already under permit in that
jurisdiction. Most jurisdictions have a commitment to their contractors
that permit in that jurisdiction. Most jurisdictions have a commitment
to their contractors that they will respond within 24 hours to a request
for inspection. Senate Government Operations April 3, 1991 Page 8

TAPE 55, SIDE B

032 MAHONEY: In addition to the electrical law we have a specific
mandate that we need to respond within 48 hours to certain requests of
inspections. It may be a matter of availability of personnel and time.
Perhaps for the smaller jurisdictions, In the case of a medical
emergency, there could be a provision to hire someone locally, but
prohibit them from competing while undertaking work for the
jurisdiction. Perhaps that would address the problem.

034 CEASE: They requested some special consideration for a medical
emergency, without that I would vote no.

039 OTTO: If a city requests an inspection how soon could the state
respond?

043 WICKS: We just had a situation in Lake Oswego where an inspector
quit, we responded in two days.

048 CEASE: Work was held up for that amount of time?

049 WICKS: I would presume so.

053 CEASE: What if a request came from Lakeview or some other remote
area of the state?

057 WICKS: It could take longer.

062 JUNIOR OWINGS, BUILDING CODES AGENCY, ELECTRICAL SAFETY PROGRAM,
CHIEF ELECTRICAL INSPECTOR: Because of other commitments with the
inspector that needed to be addressed it took two days to respond to the
Lake Oswego situation.

067 CEASE: Was the work held up or were they able to work on other
things?

067 OWINGS: The work was held up to a degree, but it was agreeable to
that jurisdiction.

073 VOTE: MOTION CARRIED, 4~1. VOTING NO: SEN. CEASE. (EXCUSED: SEN.
GRENSKY, SEN. KITZHABER). CHAIR OTTO WILL LEAD THE FLOOR DISCUSSION

079 Meeting adjourned at 4:28 p.m.

Submitted By: Reviewed By: Joan Green Jayne Hamilton

Assistant

Assistant

EXHIBIT LOG

A - Fiscal impact statement, Staff, 1 pg. Senate Government Operations
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B - Written testimony, Mahoney, 2 pas. C - Attorney Generals opinion, 9
pas.

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