

Senate Government Operations April 5, 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

April 5, 1991Hearing Room "B" 3:00 p.m. Tapes 57 -58

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

MEMBERS EXCUSED:Sen. John Kitzhaber Sen. Tricia Smith

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

MEASURES CONSIDERED: SB #876 - Relating to electrical  
safety, PH/WS SB #1015 - Relating to electrical contractors, PH/WS SB  
#1014 - Relating to One and Two Family Dwelling Code, PH/WS

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TAPE 57, SIDE A

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

(TAPE 57, SIDE A)

PUBLIC HEARING

SB 876 RELATING TO ELECTRICAL SAFETY

Witnesses:Bob Shiprack, Representative, District #23 Jim McLean, Local  
659, International Brotherhood of Electrical Workers, (I.B.E.W.) John  
Gervais, National Electrical Contractors Association

006 HOUSER: Distributed proposed -2 amendments to SB 876, Exhibit A.

010 BOB SHIPRACK, REPRESENTATIVE, DISTRICT #23: Reviewed SB 876 section  
by section for the committee.

032 JIM MCLEAN, LOCAL 659, I.B.E.W.: Read written testimony, Exhibit B.  
Reviewed proposed amendments, included in written testimony. If the law  
was amended as proposed, what it will do is put to rest the original  
intent of the legislature. All safety aspects of the present law would  
be preserved. It would not require additional inspectors, inspections,  
examinations, or licenses by the department. It would not jeopardize the  
need to license inside workers to protect the public. It would not  
change any of the electrical construction industry standards, or  
divisional work between the inside and outside electrical worker. As  
amended SB 876 would not change codes or inspections, but would continue  
the long standing practice of exempting the qualified outside electrical  
worker from the license requirement. We ask the committee to support  
the passage of this bill as amended without any further changes.

137 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: Reviewed  
the -2 amendments for the committee, section by section. Read the  
following proposed amendments to the -2 amendments. No exhibit was  
given. "On line 7 of the -2 amendments it says, "installation, or  
maintenance, or both is preformed by a," and then knock out the rest of  
that line, and line 8 go with qualified employee of a licensed  
electrical contractor and continue with that portion of the wording.  
Going down to line 12, at the end of the line, knock out qualified  
contractor or, and make it a "qualified employee of a licensed  
electrical contractor." On line 16, after "means a," take out  
"contractor of," keep in employee and take out of a contractor. At the  
end of that line we need wording which talks about the deletion of the  
requirement for a general supervising electrician to sign off on a  
permit, because in that particular area of electrical trained

electricians there is not a general supervising electrician as is defined under 479 for the inside electrician. We could add the words at the end of line 18, "however no electrical supervising electrician signature shall be required of the contractor for these purposes only as it relates to permits and inspection."

186 OTTO: Asked John Houser to quote the amendment.

187 HOUSER: I got it all except for the end. Reviewed the amendment to the -2 amendment for the Committee. Asked John Gervais to repeat the end of the amendment.

212 GERVAIS: Reread the following as the final line of the amendments to the -2 amendments; However no general supervising electrician's signature shall be required of the electrical contractor for these purposes as it relates to permit requirements.

231 CEASE: Where does the last sentence fall?

233 HOUSER: At the end of line 18. Reread the final line.

245 GERVAIS: That last sentence was drafted by the legal counsel for the Building Codes Agency.

249 CEASE: Will somebody please tell me what the problem was in 1983, and what the problem was in 1990?

253 MCLEAN: The problem was in the Eugene area in the sewer plant, where the inspector came out where the outside electricians were working, and insisted they had to be licensed under the law. At that time, we did go before the Electrical Safety Board, and again reached agreement whether in direct accord with the law as written, but in accord with the intent of the law in 1963, until 1990 when the one came up in McMinnville.

266 CEASE: How was that resolved?

270 GERVAIS: In regard to the project in McMinnville, the State ruled that the contractor had to change the crew to an inside crew.

281 CEASE: So the inside crew had to switch to an outside crew?

284 GERVAIS: There are two areas of the industry, both have their apprenticeship programs, one is licensed and one is not. We are trying to work with a compromised position.

308 CEASE: So the compromised position is the -2 plus the new words on page 2 of the printed bill?

310 GERVAIS: Yes.

311 CEASE: How broad is the new language on line 6 of page two?

315 GERVAIS: It is our intent, through this amendment, to allow them to do their traditional work.

332 BUNN: Does the new language change anyone's ability to currently do temporary demonstrations?

342 GERVAIS: I haven't the faintest idea what that means.

349 BUNN: It appears that for some reason we exempted temporary demonstration.

353 GERVAIS: It isn't our intent to hurt or change anything in the existing law.

354 BUNN: The existing law says you don't have to have a license to do temporary demonstrations, but after we adopt the -2 amendments now you have to have done the equivalent of obtaining a license in order to do those temporary demonstrations.

365 CEASE: It doesn't change temporary demonstrations.

366 GERVAIS: It's carnival lighting and things like that.

369 BUNN: As I read the bill now, we would have; A) temporary demonstrations, B) street lighting and C) outdoor transmissions. And a sub C under that A, B and C, would have to be done by someone who had met a new requirement, which was a Federal or State

apprenticeship program. If in fact the people you are talking about need to accomplish that, so be it, if not, we don't want to word it that way, and if I misunderstood the bill I apologize for wasting everybody's time.

382 CEASE: I don't think the amendment is right. There's not an "a".

384 GERVAIS: Line four of the -2 amendment has and "a".

386 HOUSER: Line one says insert "a".

389 BUNN: In the -2 amendments as printed, the sub-B of 15 applies to A, B and C, doesn't it? A on 4, B on 5, and C on 10.

397 GERVAIS: I see sub-B applying to B and C. That's the intent.

401 BUNN: I thought that was the intent, but I see no logical reason why it would apply to B and not to A.

405 GERVAIS: In B and C, it talks about a qualified electrician. A, does not have that discussion.

414 CEASE: Requested to talk to Legislative Counsel.

WORK SESSION

428 MOTION; SEN. GRENSKY MOVED THE -2 AMENDMENTS AS AMENDED TO SB 876.

437 (UNINTELLIGIBLE)

455 GRENSKY; I could add an amendment to my motion.

456 OTTO: Alright.

467 GRENSKY: On line 16, after the word "who" put "who has graduated from a..."

471 CEASE: Requested that Sen. Grensky restate his addition to the amendment.

473 GRENSKY: On line 16 after the word "who" put "who is registered" between the words who and has. Put "is registered or has graduated from"...

482 CEASE: I don't think that makes sense. LC needs to look at this.

485 HOUSER: They are sending someone down.

487 GRENSKY: It would read, "A contractor who is registered or has graduated from..."

489 CEASE: Who is registered in or at or what?

490 GRENSKY: I guess you could stick "in" or something like that in there too.

TAPE 57, SIDE

031 CEASE: I'd be more comfortable if that were conceptual. (TAPE 58, SIDE A)

PUBLIC HEARING

SB 1015 RELATING TO ELECTRICAL CONTRACTORS

Witnesses: John Gervais, National Electrical Contractors Association  
Michael Cliburn, Oregon Building Officials Association

042 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: Reviewed proposed amendments, Exhibit C. Asked for favorable consideration from the Committee on the bill.

079 MICHAEL CLIBURN, OREGON BUILDING OFFICIALS ASSOCIATION: Read written testimony, Exhibit D.

WORK SESSION

088 MOTION: SEN. BUNN MOVED TO ADOPT THE AMENDMENT TO SB 1015, HEARING NO OBJECTION SO ORDERED

090 CEASE: Is that the same one that is printed on the Building

Officials Association's testimony?

098 GERVAIS: There is also a change in the wording from the "allowing to" to "requiring" on line 5 section two.

102 CEASE: Have the cities and counties seen that?

102 GERVAIS: Yes.

103 BUNN: I see the part removing the word "bulk" and the part dealing with the sentence Sen. Cease just read, but what were you talking about the "shall"?

105 GERVAIS: On line 5 in section two it says the Electrical Board shall adopt by rule, provisions to allow a city or county to issue a temporary book permit. We want this to read "require".

119 BUNN: So in addition to the amendments that are printed, we would replace on line 5, the word "allow" with "require".

115 MOTION: SEN. BUNN MOVED THE AMENDMENT TO SB 1015, HEARING NO OBJECTIONS SO ORDERED.

133 SEN. BUNN MOVED SB 1015 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

138 BUNN: Before we vote I need to clear a conflict of interest. I own my own electrical contracting business.

140 VOTE: MOTION CARRIED 4-0. (EXCUSED: SEN. GRENSKY, SEN. KITZHABER, AND SEN. SMITH). SEN. BUNN WILL CARRY THE BILL.

(TAPE 58, SIDE A)

WORK SESSION

SB 876 RELATING TO ELECTRICAL SAFETY

150 CEASE: I want to ask that amendments be in ahead of time so that LC has had a chance to look at them, and we feel comfortable with them. I'm irritated with this. One of us voting no on this, because we're uncomfortable with the wording delays it anyhow. I would ask for some consideration for us to be careful about what we're doing to people's business and operations by being careful with the amendments.

162 OTTO: I appreciate your comments, and hope that the people in the audience heard that. I respond to it favorably.

165 HOUSER: If the concern of the Committee is with the application of sub-B, beginning on line 15, to temporary demonstrations, LC has advised that if you want to have it just apply to B and C, that you would amend line 15 to read "for the purposes of paragraphs B and C of this sub-section, and then you would have the remainder of the language as we've discussed it here. That would mean that the language relating to requiring a contractors license or completing a apprenticeship program would not apply to temporary demonstrations.

175 MOTION: SEN. BUNN MOVE THE LC SUGGESTED AMENDMENTS TO LIMIT THE APPLICATION TO SECTION B AND C. HEARING NO OBJECTIONS SO ORDERED.

186 CEASE: I've got to ask LC about the other sentence that was added about general supervising electricians signature, and her comfort on the best way to word that. I learned a long time ago that when I'm uncomfortable about something, I usually don't make an idiot of myself later, I do it now.

190 SUE HANNA, LEGISLATIVE COUNSEL, (LC): All I agreed to is, if you want to make a reference to those particular sub- paragraphs, that's how you do it. I said specifically, I don't know if this works. I don't know if it reads in at all. That's just how you make reference to that sub-paragraph if you want to restrict your reference. We have a number of changes on here and as Sen. Cease said. It's real difficult when we get this pre-drafted stuff in and I can't even figure out what they're talking about when I try to rewrite it. I'm not sure about that amendment at all. I'm not sure how it's going to work or how it's going to effect someone's business.

203 CEASE: There's another whole sentence that's been added on to this that we didn't see ahead of time. I would be much more comfortable if it were to be examined by LC before I vote on it.

208 OTTO: I agree. We'll send it to LC, and I'll close the hearing on it. (TAPE 58, SIDE A)

PUBLIC HEARING

SB 1014 RELATING TO ONE AND TWO FAMILY DWELLING CODE

Acting as a sub-committee.

Witnesses: Gary Wicks, Building Codes Agency

216 GARY WICKS, BUILDING CODES AGENCY: Read written testimony, Exhibit E. Read written proposed amendments, Exhibit F.

284 BUNN: Isn't there a potential problem if there isn't a national publication? Won't you have a lot of contractors who don't have it in their possession and know what the current code is? And second, if you are dealing with a future effective date, would that have any impact on suppliers who would tend to shoot for a national effective date rather than an Oregon exclusive date?

293 WICKS: What we'd like to do is have the flexibility, and under the normal circumstances we'd only change these codes on a three year basis and give everybody time to adjust to the code cycle. We would give notice and people would be informed of the changes we make.

322 CEASE: Will you follow the APA?

327 WICKS: We follow the APA in the adoption of code changes.

WORK SESSION

358 MOTION: SEN. CEASE MOVED TO ADOPT THE AMENDMENTS TO SB 1014.

361 BUNN: If everyone else supports the amendments I'm not going to block them. I would prefer that they not be added, because I think the base bill does the most important part. If I don't hear anyone else say they don't like the amendments I'll vote for them.

368 HEARING NO OBJECTIONS THE AMENDMENTS ARE ADOPTED TO SB 1014.

371 SEN. CEASE MOVED SB 1014 TO THE FLOOR AS AMENDED WITH A DO PASS RECOMMENDATION.

380 VOTE: MOTION CARRIED, 4-0. (EXCUSED, SEN. KITZHABER, SEN. SMITH AND SEN. SPRINGER).

Meeting adjourned at 4:50.

Submitted By:

Jayne Hamilton  
Assistant

Reviewed By:

Joan Green  
Assistant

EXHIBIT LOG

A - Proposed amendments, staff, 1 page B - Written testimony, Jim McLean, 5 pages C - Proposed amendments, John Gervais, 1 page D - Written testimony, Michael Cliburn, 1 page E - Written testimony, Gary Wicks,, 3 pages F - Proposed amendments, Gary Wicks, 1 page