

**HB 4086 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Holvey

**House Committee On Rules**

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**Action Date:** 02/20/18

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 7-2-0-0

**Yeas:** 7 - Holvey, Kennemer, McLane, Nosse, Rayfield, Smith Warner, Williamson

**Nays:** 2 - Barreto, Wilson

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

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**WHAT THE MEASURE DOES:**

Modifies language describing the relationship between municipalities and those who administer or provide services to building inspection programs. Requires municipalities that administer building inspection programs to obtain/retain services of a municipal building official and a head building inspector who could also be the building official. Requires municipal building official and head building inspector to be employees of the municipality, or employed under an intergovernmental agreement, or employed by a council of government. Operative July 1, 2019. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Legislative Counsel opinion and Department of Justice memo
- Whether having a private entity provide a municipality's building inspection program is an improper delegation of governmental authority
- Work group that discussed problem and potential solutions
- How state and counties will pick up work if cities do not operate their own building inspection programs
- Whether a council of governments constitutes an "association of counties"
- Impact on small cities

**EFFECT OF AMENDMENT:**

Replaces original measure.

**BACKGROUND:**

House Bill 3462 (2009) created a pilot program, originally scheduled to sunset in 2016, to cross-train building inspectors in multiple specialty codes, in order to address a shortage of such inspectors in some regions of the state. Subsequent legislation (House Bill 2698, 2013) eliminated the sunset date to make cross-training of specialized building inspectors the norm. In 2013, the Legislative Assembly also authorized the Department of Consumer and Business Services to certify building inspectors in multiple specialty codes or parts of a specialty code. The language had the effect of requiring specialized building code inspectors to be employees of the municipalities they were performing inspections for. Legislation in 2017 (House Bill 2907) would have allowed such inspectors to be appointed rather than employed by municipalities, but it was not enacted. A work group then met during the 2017 interim to discuss how municipalities operate building inspection programs, but it did not reach consensus.

House Bill 4086-A allows certified specialized building inspectors to be employees of municipalities, or employed pursuant to intergovernmental agreements, or employed by councils of government, rather than requiring that they be employed solely by municipalities. The measure requires municipalities that operate a building program to employ a building official and a head building inspector by July 1, 2019. Those persons may be employed under an intergovernmental agreement or by a council of governments.