



March 29, 2006

Dear Representative Weissmann and Senators Tupa, Groff and Grossman,

The Colorado School Plant Managers Association, (CSPMA), an organization of K-12 public school facilities, construction and maintenance professionals, has been monitoring the progress of HB 06-1158 with reservations and because of continued flaws in this bill is now opposing it as written.

We individually and collectively care deeply about the safety of the children, staff and public who use the school buildings that we are responsible to build and maintain. We are very interested in supporting efforts that will result in increased school safety. However, we believe the current version of this bill has serious flaws and will not accomplish this intent.

While we are not overly concerned with which department of the state government oversees the school building permit and inspection process, problems will arise if this process is decentralized, such as inconsistent code interpretation and enforcement, and exorbitant and unnecessary permit fees. Please see in the attachment seven areas of specific concern with the current version HB 06-1158. These flaws with the legislation will likely result in indecision, lawsuits, and much greater cost to our local taxpayers, without improving the safety of our schools.

We believe that the current system works well and the proposed new system, as described in this legislation, would cause more problems with school safety than it would "fix". Currently, building codes are interpreted in a consistent manner, building permits are priced reasonably, and safety inspections are quite adequate. Our local fire departments already have been given full authority to inspect and enforce fire and life safety code issues, and they do a great job. State plumbing, boiler and electrical inspectors maintain an obvious presence on our projects. Registered Architects as well as Licensed Structural, Mechanical and Electrical Engineers oversee the construction of their designs for professional liability reasons. Our schools are built in a safe manner. Additionally, any school district that wants to have additional assistance from any other code enforcement entity can already request that help.

We hope you will withdraw your support for this bill and more carefully consider the details of any future overhaul of the school building permit and inspection process. As an organization, the Colorado School Plant Managers Association would be happy to work closely with the legislature on efforts to make actual improvements to school safety.

Sincerely,

the Officers and Membership of CSPMA  
(signatures available upon request)

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Specific concerns with the language of House Bill 1158:

- 1) The Bill allows the division to adopt Building and Fire Codes “modeled” on the International Codes, while providing no criteria for, or independent review of, the “modeling”. We fear that this may result in an incomplete adoption of the Code or requirements that may be contrary to the code, as no current members of the Division of Fire Safety staff have Building Code Certifications with the International Code Council.
- 2) The Bill does not give the school districts the ability to prevent the delegation of plan reviews and inspections to local jurisdictions or to private contractors. Page 5, Line 2-5 states that “except that, at the request of the (school district), the division may delegate this responsibility to...” However, Page 5, line 27 through Page 6, Line 1-5 state “...this subsection (2) shall not relieve the division of the responsibility to ensure that the plan reviews and inspections are conducted...” This indicates that the requirement of a request by the school district on Page 5 is meaningless, as the responsibility referenced may not be relieved on Page 6. Also, Page 5 Line 24-25 states that the division “authorizes plan reviews and inspections” not delegating them as implied by Page 5 line 2-5. We believe that this may result in unqualified individuals reviewing our school plans and conducting inspections.
- 3) The Bill contains conflicting statements regarding who will be performing the actual plan reviews and building inspections. Page 4, line 24 – 25 states “The division shall conduct the necessary plan reviews and inspections...” while Page 5, line 27 through Page 6, Line 1-5 state “...this subsection (2) shall not relieve the division of the responsibility to ensure that the plan reviews and inspections are conducted...” The statement on Pages 5 & 6 appears to relieve the division of the responsibility to conduct the inspections themselves and opens the possibility of private contractors performing these services, which we feel may diminish school safety and increase costs.
- 4) The Bill does not adequately define how a person can be certified to perform these reviews and inspections. Page 20, Line 10 – 19 states that an inspector will be certified if he/she “Demonstrates to the (director) that the person meets other equivalent qualifications” and “attains an attestation from the head of the governing body or designee” The school districts are not provided any voice in determining what “equivalent qualifications” are, and the definition of a “governing body” in this Bill (Page 17, line 13-15) includes the term “governing body”, making it circular, and meaningless. We believe this may allow unqualified individuals to inspect our schools.
- 5) The Bill does not provide for appeal of Code decisions by the local authority or private contractor. The Appeals Board created by this bill does not have authority to make Code decisions. The only authority granted to this board is to recommend alternative materials. We believe that this may result in the enforcement of code decisions that may be contrary to the International Code.
- 6) The Bill contains no limits on the fees that may be charged to the school districts for Building Permits, Plan Reviews, or building or fire inspections. Page 5, Line 18 - 21 states that “A fee may be charged for such plan reviews and inspections upon approval of the division. The amount of the fee shall be determined on the basis of the direct cost of providing the service”. We are concerned because the school districts are not included in determining these fees, and because direct costs to the Division may be whatever the local jurisdiction or contractor charges the Division, plus the Division’s costs.
- 7) The Bill removes the requirement for annual inspections for fire protection services and replaces that requirement with the vague “when deemed necessary” (Page 7, line 18). Does this mean weekly? Once every 10 years? Who determines the frequency and what is that determination based on?