

SENATE COMMITTEE ON
LABOR AND GOVERNMENT OPERATIONS

Hearing Room
Tapes 12 -115

MEMBERS PRESENT:

Sen. Gene Derfler, Chair
Sen. Brady Adams, Vice-Chair
Sen. Neil Bryant
Sen. Bob Kintigh
Sen. Bill McCoy
Sen. Randy Leonard

MEMBER EXCUSED:

STAFF PRESENT:

Rita Thomas, Committee Counsel
Glenda Fields, Assistant

MEASURES HEARD:

SB 953 - Public Hearing
SB 954 - Public Hearing
SB 1057 - Public Hearing

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 12, A

004 CHAIR DERFLER: Calling meeting to order at 8:05 AM.

005 CHAIR DERFLER: Opening PUBLIC HEARING on SB 953.

028 Ray Kerridge: City of Portland, Commercial Inspections Manager, explaining SB 953 (EXHIBIT A).

063 SEN. KINTIGH: Would that remain in the public sector?

068 CHAIR DERFLER: Could you give us some examples of what that might be?

084 SEN. LEONARD: Can the studs be in the way of fire protection?

113 CHAIR DERFLER: Would you have Building Codes set priorities?

118 SEN. KINTIGH: Is it because there is not enough people available?

138 ROBIN WHITE: Portland Association of Building and Managers, testifying in favor of SB 953.

160 SEN. LEONARD: Do you have any idea how much more productive an inspector would be if this bill passed?

190 MIKE ROSE: Portland General Electric, answering questions regarding time inspectors spend on safety inspections.

206 ROBIN WHITE: It is very possible this is recognizing what is current

practice.

214 CHAIR DERFLER: What is the purpose of having the 2 tier system?

222 RAY KERRIDGE: Explaining the 2 tier system and the setting of standards for inspectors.

235 CHAIR DERFLER: You are suggesting the inspectors inspect at least 30% of the projects?

266 SEN. LEONARD: Why would we not use the codes already established?

286 ROBIN WHITE: I suspect that liability is one of the reasons for this bill.

306 SEN. LEONARD: Why does the City of Portland not adopt a plan just for the city?

325 SEN. LEONARD: Would this bill require inspectors to do 30% of an inspection or if there were noticeable problems would they do a thorough inspection?

373 ROBIN WHITE: The state codes override city ordinances.

387 BOB HALL: PGE, testifying in opposition to SB 953.

430 BOB HALL: Discussing energy code. This bill does not address energy conservation inspections.

TAPE 113, A

039 SEN. LEONARD: Does an inspector actually measure insulation?

053 BOB HALL: Discussing the inspection for energy conservation.

075 BOB SHIPRACK: Testifying against SB 953. This bill diminishes the quality of inspections.

110 BOB SHIPRACK: The public deserves to have construction fully inspected.

118 CHAIR DERFLER: What is the balance between affordable housing and adding more regulations?

145 Gary Wright: Plumber, testifying against SB 953.

166 CHAIR DERFLER: I think there is a problem. Housing is not affordable.

170 BOB SHIPRACK: Discussing the standardization of codes.

182 EUGENE ORGAN: Oregon Disabilities Commission, testifying on SB 953.

220 EUGENE ORGAN: Wanting assurance that access is not left out of codes. Life safety issues do not cover this.

253 PEGGY COLLINS: Building Codes, testifying on SB 953 (EXHIBIT B).

300 PEGGY COLLINS: We expect that identifying first and second priorities will be difficult and expensive.

330 PEGGY COLLINS: Explaining technical errors in the bill.

340 CHAIR DERFLER: Do the building permit fees go up with value?

380 PEGGY COLLINS: We understand the City of Portland's concerns, but feel like there may be a better way to handle things.

400 SEN. LEONARD: Did the proponents of this bill discuss the changes with Building Codes?

420 PEGGY COLLINS: Explaining who the members of the board are.
430 CHAIR DERFLER: Closing PUBLIC HEARING on SB 953.
432 CHAIR DERFLER: Opening PUBLIC HEARING on SB 954.
435 RAY KERRIDGE: City of Portland, Explaining SB 954 (EXHIBIT C).

TAPE 112, B

050 RAY KERRIDGE: Continuing explanation of SB 954.
058 SEN. LEONARD: I am tempted to support this bill. Is this the bill that allows some change to electrical appliances?
065 RAY KERRIDGE: No, that is the next one.
074 SEN. LEONARD: Has the city established the master permit yet?
108 GARY WRIGHT: Plumbers and Pipe Fitters, testifying against SB 954. Has a problem with 3rd party inspectors.
147 CHAIR DERFLER: Closing PUBLIC HEARING on SB 954.
157 CHAIR DERFLER: Opening PUBLIC HEARING on SB 1057
160 MARGARET MAHONEY: Explaining amendments to SB 1057 (EXHIBIT D).
210 MARGARET MAHONEY: Continuing testimony on amendments to SB 1057.
259 MARGARET MAHONEY: Discussing dangerous buildings code.
300 SEN. LEONARD: Are you saying you want to change the bill to include these 2 amendments?
319 ROBIN WHITE: BOMA, testifying on SB 1057 (EXHIBIT E).
365 ROBIN WHITE: Discussing phasing in plans.
380 ROBIN WHITE: Explaining amendment (EXHIBIT F).
403 CHAIR DERFLER: Have we upgraded zones? Is that a requirement?
416 MARGARET MAHONEY: Discussing the requirement to upgrade zones.
450 ROBIN WHITE: If you were changing use of a building, you would be under the new requirements?

TAPE 113, B

037 EUGENE GRANT: Explaining standards for dangerous buildings.
065 MARGARET MAHONEY: In looking at our dangerous building code, we will look at a lower standard for upgrades. The Seismic Safety Advisory Committee has questioned the ability to use a different standard than state building code.
080 SEN. LEONARD: Are you trying to clarify the definition for a dangerous building?
106 SEN. MCCOY: What percentage of the buildings downtown would fall under this category?
117 MARGARET MAHONEY: Discussing the number and percentages of building in Portland that require upgrading.

130 SEN. MCCOY: Why did you come up with 10 years for making improvements?

142 CHAIR DERFLER: If I wanted to change the use of a building ,what percentage of upgrade would I have to bring that building up to.

160 MARGARET MAHONEY: You would have to bring that building up to current building code.

175 ROBIN WHITE: The purpose of this bill is to encourage building owners to upgrade their property.

196 SEN. MCCOY: We are talking about safety here not whether or not the building owners want to upgrade their property.

230 MARGARET MAHONEY: Discussing the cost in upgrading buildings verses the cost of meeting codes in new construction.

240 SEN. LEONARD: We are not talking about people who are violating codes. We are just trying to upgrade because of the increase in seismic activity.

282 EUGENE GRANT: This needs to be a voluntary program. Building owners are going to need time to meet building codes and owners need some protection against liability while improvements are made.

325 MARGARET MAHONEY: Engineers are needed to come in to evaluate the buildings for weaknesses.

360 MARGARET MAHONEY: Discussing prioritizing buildings. Hospitals, Schools, public safety buildings would be highest priority.

385 SEN. MCCOY: What will you do with owners who do not comply?

415 EUGENE GRANT: We want to encourage owners with the 10 year phase in and the new dangerous building definition would be the enforcement.

450 SEN. LEONARD: Questioning minimum standard.

TAPE 114, A

035 EUGENE GRANT: Explaining substantial compliance and immunity.

069 ROBIN WHITE: This is not just a problem in the City of Portland.

080 CHAIR DERFLER: What is going to happen if we don't pass this bill and what will happen if we do pass it?

097 JOHN BEAULIEU: Oregon Dept. of Geology, testifying on SB 1057.

125 JOHN BEAULIEU: Discussing cost of 2% in new construction to meet codes.

165 JOHN BEAULIEU: There are building out there that are already out of compliance.

172 SEN. MCCOY: If the buildings are out of compliance, what is the penalty?

190 JOHN BEAULIEU: Any bill should not allow for a decrease in safety standards.

214 SEN. LEONARD: If the building met requirements when it was built, should the owners be penalized because of more awareness to seismic activity?

250 JOHN BEAULIEU: We need some balance between cost and benefit. I am very cautious about the language in a bill.

288 CHAIR DERFLER: I don't think any of these changes will be painless.

300 SEN. MCCOY: Questioning how long it took to get a seismologist on board.

325 CHAIR DERFLER: Are you going to work with the City of Portland on the amendments?

340 DAVID ZIER: Testifying on SB 1057.

380 SEN. LEONARD: Whatever the standards were, buildings were required to meet standards at the time they were built.

410 DAVID ZIER: Encourages Committee to consider the benefits as well as the costs.

422 CHAIR DERFLER: What would you estimate is the percentage of buildings that would not meet requirements?

450 DAVID ZIER: Discussing what is a reasonable approach to public safety.

TAPE 115, A

040 CHAIR DERFLER: Do you think that a building could be made safe without meeting the current code?

077 CHAIR DERFLER: Questioning liability issue.

092 DAVID ZIER: Explaining liability shield for owners involved in upgrade agreements.

100 SEN. LEONARD: You are in agreement that buildings need to be upgraded in the case of seismic activity?

140 DAVID ZIER: This will need to be a long term process for owners and will be very expensive .

160 PEGGY COLLINS: Building Codes, testifying on SB 1057 (EXHIBIT G). Explaining requirements for historical buildings.

185 PEGGY COLLINS: Building Codes feels like this is an area that does need to be addressed and will be happy to work with the City of Portland. She would like time to look over the proposed amendments.

206 CHAIR DERFLER: Would there be consistency throughout the state on these codes?

217 SEN. LEONARD: Are you talking mainly about under the Building Division. The State Fire Marshall's office has a dangerous building code.

250 PEGGY COLLINS: Discussing current building codes.

274 PEGGY COLLINS: Would like to work as a group with the Attorney Generals advice.

282 CHAIR DERFLER: Would like to have a group get together and work on this issue. When could you be ready to come back?

285 PEGGY COLLINS: We could come back in a couple of weeks.

290 CHAIR DERFLER: Closing PUBLIC HEARING on SB 1057.

298 CHAIR DERFLER: Meeting is adjourned at 10:45.

Submitted by,

Reviewed by,

Glenda Fields
Committee Assistant

Rita Thomas
Committee Counsel

EXHIBIT SUMMARY:

- A - Testimony on SB 953 - Ray Kerridge, City of Portland - 8 pages
- B - Testimony on SB 953 - Peggy Collins, Building Codes - 2 pages
- C - Testimony on SB 954 - Ray Kerridge, City of Portland - 8 pages
- D - Amendment on SB 1057 - Margaret Mahoney, City of Portland - 2 pages
- E - Testimony on SB 1057 - Robin White, BOMA - 1 page
- F - Amendment on SB 1057 - Robin White, BOMA - 2 pages
- G - Testimony on SB 1057 - Peggy Collins - 2 pages