

Senate Government Operations April 29, 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 29, 1991Hearing Room "B" 3:00 p.m. Tapes 77 -78

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

MEMBERS EXCUSED:Sen. John Kitzhaber

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

MEASURES CONSIDERED: SB #130 - Relating to relocated  
buildings, WS SB #131 - Relating to boilers, WS SB #876 - Relating to  
electrical safety law, WS

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TAPE 77, SIDE A

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

(TAPE 77, SIDE A)

WORK SESSION

SB 130 RELATING TO RELOCATED BUILDINGS

Witnesses:Gary Wicks, Building Codes Agency Peggy Collins, Building  
Codes Agency Terry Emmert, Division of Emmert Industrial Corp.

007 HOUSER: Distributed proposed -1 amendments, Exhibit A.

015 GARY WICKS, BUILDING CODES AGENCY: Read written testimony, Exhibit  
B.

058 SMITH: Asked how large 5 square feet is.

062 PEGGY COLLINS, BUILDING CODES AGENCY: Showed with her hands  
approximately the dimension Sen Smith asked for. It is designed to  
allow a fire person to get through the window opening and help someone  
get out of it.

071 CEASE: So we're talking about a window size not a door in section  
5?

074 COLLINS: That's correct. You could use either.

082 TERRY EMMERT, DIVISION OF EMMERT INDUSTRIAL CORPORATION: Read  
written testimony, Exhibit C. We are definitely against this bill, and  
feel it should be left as it is.

153 GRENSKY: Are the changes you refer to in the City of Portland code?

158 EMMERT: I don't have an answer to that.

160 GRENSKY: I thought this bill was the first attempt to start dealing  
with homes that get moved.

164 EMMERT: The city and county agencies would make variances, but they  
may make you go through two or three months of hearings. HB 3516 would  
establish criteria to clean up the existing bill that has been in for  
eight or nine years.

177 GRENSKY: Why did Keizer have to spend so much money when they moved that large building? It wasn't because of this law was it? Who made them do that?

183 EMMERT: The city.

194 SMITH: Asked for clarification of the -1 amendments beginning on line 17.

200 EMMERT: A structural engineer would be responsible for determining whether the house was structurally sound.

214 CEASE: Tell me about which parts of the amendments don't you agree with?

217 EMMERT: I don't agree with any of it. I don't agree with the bill.

226 OTTO: Asked Gary Wicks who was in agreement with the bill.

232 WICKS: The people who agree with the amendments, who we have been working with, are the Oregon Building Officials Assoc., the City of Portland and the State Fire Marshall's Office.

242 SMITH: Can you respond to my question about how dead and live loads would be determined, from the amendments on line 17?

253 COLLINS: That could normally be determined by the building inspector or the plans examiner as they are reviewing the building.

262 SMITH: Why would a building that's been in existence for 100 years and is in compliance where it stands, need to meet a separate standard it you move it?

267 COLLINS: It may be safe, and many of those would not have to be brought up to current code.

275 SMITH: If the use doesn't change, why would any have to be up-graded?

278 COLLINS: The only requirement is if it was already over-stressed and was causing a problem. I would say that most buildings would not be required to be changed.

289 SMITH: How many buildings that might be moved would need to be up-graded because of this bill?

294 COLLINS: Less than 10%.

306 BUNN: Would a rough cut 2 by 8 be judged by the standards of today?

312 COLLINS; No not necessarily. There are formulas for calculating the ability of the wood to carry the load based on it's actual size.

317 BUNN: So the building officials are going to go out and measure the actual size of the rough cut lumber and go back and compare that to a chart and come up with a strength?

321 COLLINS: They wouldn't always, but they could do that if there was a question about it.

323 BUNN: Could they use the current strength rather than the actual strength?

341 COLLINS: Yes, but there might be circumstances where they request you to provide information to prove that it is adequate.

344 BUNN: I hope we don't back away from our commitment.

350 CEASE: Who's suggestion was the amendment on lines 17-19, and who's suggestion was the new sub-five that's in here?

370 COLLINS: The recommendation for those sections came from our agency as a method to resolve Mr. Emmert's concerns.

376 CEASE: Mr. Emmert, what would your suggestion have been other than to just leave the language as it was to start with?

379 EMMERT: My only suggestion was to leave the language as it was.

390 CEASE: So the code argument would be met with the actual language about "dead and live load" and "not exceeding the stress levels"?

397 EMMERT: Yes it could be met that way, but then you have to hire an engineer to prove the calculations.

406 CEASE: Were you in the meeting when this language was discussed?

407 EMMERT: No.

408 CEASE: Did you attend the meeting?

408 EMMERT: The only meeting I attended was at my office with Peggy and two people from the City of Portland. I voiced my concerns and also asked for any examples where it had caused problems in the last year. None have ever been furnished.

413 CEASE: Did you try to go to any of the other meetings?

414 EMMERT: I was not invited to any of the other meetings.

415 OTTO: Were you aware that they were going on?

416 EMMERT: No, I was not.

418 COLLINS: We held another meeting with the City of Portland to work out the language and then we sent the information to Mr. Emmert who was out of town.

422 CEASE: This isn't the way we like to see meetings go.

427 MOTION: SEN. BUNN MOVED TO TABLE THE BILL.

432 VOTE: MOTION FAILED 2-2. VOTING NO: SEN. CEASE AND SEN. OTTO. (EXCUSED, SEN. GRENSKY, SEN. KITZHABER AND SEN. SPRINGER).

TAPE 78, SIDE A

WORK SESSION

SB 131 RELATING TO BOILERS

Witnesses: Gary Wicks, Building Codes Agency Tom Higashi, Building Codes Agency Burton Weast, Oregon Association of Plumbing Heating and Cooling Contractors: William Harvey, Chairman of the Plumbing and Piping Industry of Oregon

013 HOUSER: Distributed the proposed -2 amendments, Exhibit D.

024 GARY WICKS, BUILDING CODES AGENCY: Read written testimony, Exhibit E.

074 OTTO: Do we have the amendments that the Building Codes Agency is referring to?

075 HOUSER: We have the amendments that the Building codes Agency submitted, exhibit D. We also have a set of amendments that came in today that would change the word "may" to "shall" in section 16, page 14, and "may adopt" to "shall adopt", ln. 22 of the amendments.

087 CEASE: Reviewed the amendments.

097 HOUSER: The language in section 16 simply deals with a particular element of their rules, rather than their rules generically.

103 SMITH: If you don't have any problem with the intent in section four, why don't you leave it the way it is?

109 WICKS: The language change was recommended by Legislative Counsel

113 SMITH: So all the other Boards have gone to that language?

115 WICKS: I don't know. We think it makes it a lot simpler.

124 SMITH: If we adopt "shall" as an amendment in section 16, would there other sections require rule making, or do the rest of them say "may"?

129 TOM HIGASHI, BUILDING CODES AGENCY: That would be the only amendment necessary, if you are going to amend section 16.

136 WICKS: This group has met many times and worked long and hard on these amendments.

144 SMITH: Do you have any comments on the suggested amendments in section 16?

150 WICKS: No, we don't have a problem with that.

152 OTTO: You'd be comfortable either way?

153 WICKS: Yes.

157 BURTON WEAST, OREGON ASSOCIATION OF PLUMBING HEATING AND COOLING CONTRACTORS: Supports the amendments as drafted without change.

187 SMITH: Is there statutory language granting other boards the authority to adopt rules on this part of the external piping?

191 WILLIAM HARVEY, CHAIRMAN OF THE PLUMBING AND PIPING INDUSTRY OF OREGON: The welding of the external piping is governed by national regulation.

196 SMITH: I don't know what that is.

197 HARVEY: That's what this whole thing is that we're talking about. Presently the R-stamp is an ASME stamp for repairs to pressure vessels.

200 SMITH: Is it Federal? Is it another Board? Who's regulatory authority are we talking about?

202 HARVEY: It's the American Association of Mechanical Engineers.

205 SMITH: So it's an industry association?

210 WEAST: These areas don't have a Federal Code. You have codes adopted by various societies who deal in design and housing.

223 SMITH: You indicated that you want "may" to continue so that you can decide which board should be regulating this particular part of the pipe.

230 HARVEY: We are governed by the national regulation.

252 MOTION: SEN. CEASE MOVED TO ADOPT THE -2 AMENDMENTS, EXHIBIT B, TO SB 131. HEARING NO OBJECTIONS, SO ORDERED.

257 MOTION: SEN. CEASE MOVED SB 131 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

269 VOTE: MOTION CARRIED, 4-1. VOTING NO, SEN. BUNN. (EXCUSED, SEN. KITZHABER AND SEN. SPRINGER). SEN. OTTO WILL CARRY THE BILL.

(TAPE 78, SIDE A)

WORK SESSION

SB 876 RELATING TO ELECTRICAL SAFETY LAW

Witnesses: John Gervais, National Electrical Contractors Assoc. Greg Teeple, International Brotherhood of Electrical Workers, Local #48:

292 HOUSER: Distributed the proposed -3 amendments to the committee, Exhibit F.

294 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: When we appeared before your committee several weeks ago, we raised some concerns about the broad application of the bill. As requested, your staff and Legislative Counsel have drafted the -3 amendments. Other than line four, they meet the concerns that we have raised. We believe they make it a workable bill.

305 HOUSER: On line four, there was a question about whether the language defining qualified employees would apply to temporary demonstrations, as identified in line four of the amendments. We've been advised by Legislative Counsel that in their opinion the language relating to qualified employees would not apply to temporary demonstrations.

316 GREG TEEPLE, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL #48: Speaks in support of the -3 amendments.

332 MOTION: SEN. GRENSKY MOVED TO ADOPT THE -3 AMENDMENTS, EXHIBIT F, TO SB 876. HEARING NO OBJECTIONS, SO ORDERED.

341 MOTION: SEN. GRENSKY MOVED SB 876 AS AMENDED TO THE FLOOR WITH A DO  
PASS RECOMMENDATION.

345 VOTE: MOTION CARRIED, 5-0. (EXCUSED, SEN. KITZHABER AND SEN.  
SPRINGER). SEN. GRENSKY WILL CARRY THE BILL.

Meeting adjourned at 4:30

Submitted By:

Reviewed By:

Jayne Hamilton  
Assistant

Joan Green  
Assistant

EXHIBIT LOG

A -Proposed amendments, staff, 3 pages B - Written testimony, Gary  
Wicks, 2 pages C - Written testimony, Terry Emmert, 2 pages D - Proposed  
amendments, staff, 16 pages E - Written testimony, Gary Wicks, 2 pages F  
- Proposed amendments, staff, 1 page