

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO
SENATE BILL 871**

1 On page 1 of the printed bill, line 2, delete “431A.353, 431A.363 and”.
2 Delete lines 5 through 28 and delete pages 2 and 3 and insert:

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“ASBESTOS

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6 **“SECTION 1.** ORS 468A.757 is amended to read:

7 “468A.757. (1) The Environmental Quality Commission shall adopt rules
8 prohibiting the demolition of a residence or residential building unless an
9 asbestos survey has been conducted by an inspector accredited in accordance
10 with rules adopted by the commission for the purpose of determining whether
11 asbestos-containing materials are present at the residence or residential
12 building, and for other purposes as determined by the commission.

13 “(2) The commission may, by rule:

14 “(a) Establish the procedures for conducting the survey described in sub-
15 section (1) of this section; and

16 “(b) Establish exemptions to the prohibition described in subsection (1)
17 of this section.

18 **“(3) Notwithstanding the state building code as defined in ORS**
19 **455.010, the city having jurisdiction over the area in which a residence**
20 **or residential building is located, or the county having jurisdiction**
21 **over the unincorporated area in which a residence or residential**

1 **building is located, may require, prior to the demolition of the resi-**
2 **dence or residential building, that:**

3 **“(a) Neighbors be notified of the demolition;**

4 **“(b) A copy of the survey described in subsection (1) of this section**
5 **be filed with an agency of the city or county;**

6 **“(c) A plan be completed for the proper and safe abatement of**
7 **asbestos hazards; and**

8 **“(d) Notice of any plan for the proper and safe abatement of**
9 **asbestos hazards be filed with an agency of the city or county.**

10 **“[(3)] (4) This section does not apply to a residence or residential building**
11 **constructed on or after a date identified by the commission by rule.**

12 **“SECTION 2. The amendments to ORS 468A.757 by section 1 of this**
13 **2017 Act apply to demolitions occurring on or after the operative date**
14 **specified in section 4 of this 2017 Act.**

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16 **“LEAD-BASED PAINT**

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18 **“SECTION 3. (1) Notwithstanding the state building code as defined**
19 **in ORS 455.010, the city having jurisdiction over the area in which a**
20 **residence or residential building is located, or the county having ju-**
21 **risdiction over the unincorporated area in which a residence or resi-**
22 **dential building is located, may require, prior to the demolition of the**
23 **residence or residential building, that:**

24 **“(a) Neighbors be notified of the demolition;**

25 **“(b) A plan be completed for containing lead particles that other-**
26 **wise would be released into the air during a demolition; and**

27 **“(c) A copy of any plan required by the city or county for contain-**
28 **ing lead particles that otherwise would be released into the air during**
29 **a demolition be filed with an agency of the city or county.**

30 **“(2) This section does not apply to the demolition of a residence or**

1 residential building constructed on or after January 1, 1978.

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“MISCELLANEOUS

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5 **“SECTION 4. (1) Section 3 of this 2017 Act and the amendments to**
6 **ORS 468A.757 by section 1 of this 2017 Act become operative on January**
7 **1, 2018.**

8 **“(2) A city or a county may take any action before the operative**
9 **date specified in subsection (1) of this section that is necessary to en-**
10 **able the city or county to exercise, on and after the operative date**
11 **specified in subsection (1) of this section, all the duties, functions and**
12 **powers conferred on the city or county by section 3 of this 2017 Act**
13 **and the amendments to ORS 468A.757 by section 1 of this 2017 Act.**

14 **“SECTION 5. The unit captions used in this 2017 Act are provided**
15 **only for the convenience of the reader and do not become part of the**
16 **statutory law of this state or express any legislative intent in the**
17 **enactment of this 2017 Act.**

18 **“SECTION 6. This 2017 Act takes effect on the 91st day after the**
19 **date on which the 2017 regular session of the Seventy-ninth Legislative**
20 **Assembly adjourns sine die.”.**

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