

Senate Government Operations February 6, 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

February 6, 1991Hearing Room "B" 3:00 p.m. Tapes 14 -16

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

MEMBERS EXCUSED:Sen. Tricia Smith Sen. John Kitzhaber

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

MEASURES CONSIDERED: SB 96 Relating to earthquake  
preparedness, PH SB 309 Relating to earthquakes, PH SB 312 Unsafe  
structures, PH

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TAPE 14, SIDE A

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

(TAPE 14, SIDE A)

PUBLIC HEARING

SB 96 RELATING TO EARTHQUAKE PREPAREDNESS

Witnesses:John Beaulio, Oregon Department of Geology Myra Lee Thompson, Oregon Emergency Management Ermel Quevedo, American Society of Civil Engineers Alfred Staehli, Architect Roger McGarrigle, Chairman of the State Seismic Safety Policy Advisory Council Craig Carlson, Oregon Council of Architects Leticia Maladonado, Portland Public Schools Karen Hafner, Oregon School Board Association Marvin Evans, Federation of Oregon School Administrators Kelly Ross, Oregon Fire Service Michael Boyce, State Fire Marshal Gary Wicks, Building Codes Agency Greg McMordo, Department of Education George Richardson, NW Natural Gas

007 HOUSER: Gave a summary of the hand-engrossed version of SB 96-2, Exhibit A, which combined the original bill with the -2 amendments, Exhibit B, and distributed a fiscal impact statement, Exhibit B-1.

109 JOHN BEAULIO, OREGON DEPARTMENT OF GEOLOGY: Read written testimony pertaining to SB 96, Exhibit C.

190 CEASE: Didn't you ask us to introduce SB 309 in the interim?

192 BEAULIO: Yes, and SB 96. When this all started there was no

Seismic Safety Policy Advisory Commission, (SSPAC), and we as a department said there should be a bill dealing with earthquakes. At that point the mechanism available to the Agency was to write a bill and submit it to the Executive Department. Gail Ryder got interested in some of these activities and your Committee said yes, let's have such a bill, and that was SB 309. We ended up with two bills saying very much the same things. We'd like to pull them both together. As an agency we are content to take the language in 309 section 1 through 10 that relates to the SSPAC, and use them in SB 96.

220 MYRA THOMPSON LEE, ADMINISTRATOR OF OREGON EMERGENCY MANAGEMENT DIVISION AND MEMBER OF SSPAC: Read written testimony, Exhibit D.

260 GRENSKY: Expresses concern about the financial aspect of this bill for building owners and occupants.

262 BEAULIO: It is agreed to by 99.9% of the technical community, that we are facing an extremely large earthquake in the not too distant future. With regards to Building Codes, we already have earthquake regulations. What we are proposing is that the regulations be calibrated more accurately with the risks. The regulations we currently have are not accurate. In terms of cost, the most recent example is the new State office building going up in Portland. By doing a sites-specific study on that site in advance of construction, an additional cost to the building of slightly less than 1% was incurred. The cost could be 20 to 30% in retro fitting. The risk is there, it is not a subject of debate, and the cost is certainly manageable. After a lot of thought and 5 years of intensive study by a wide variety of people at the Federal, State and local level, it is conclusive that it is time to get started on these issues and to prevent the very high costs that are inevitable at some time in the future.

313 ROGER McGARRIGLE, CHAIRMAN OF THE STATE SEISMIC SAFETY POLICY ADVISORY COUNCIL: Asks to provide a legislatively mandated commission as indicated in SB 96.

345 ERMEL QUEVEDO, AMERICAN SOCIETY OF CIVIL ENGINEERS: Read written testimony, Exhibit E.

TAPE 15, SIDE A

012 QUEVEDO: Continues with testimony.

037 CRAIG CARLSON, COUNCIL OF ARCHITECTS: Read a letter from the Portland Chapter of the American Institute of Architects, in regards to this legislation, which stated that the membership of the Commission should include a representative of the Professional Architectural Community. The Profession has an obligation to insure public health and safety in building design.

088 ALFRED STAEHLI, ARCHITECT: Requests that The State Historic Preservation Office have representation on the Commission, and agreed that an architect should be included on the Commission. Is in support of the -2 amendments.

222 LETICIA MALADONADO, PORTLAND PUBLIC SCHOOLS: Requested someone who is familiar with the building issues in school districts, with the Department of Education, sit on the Commission.

246 CEASE: Wouldn't that be covered by any of the other people in structural engineering, building, or project development?

250 MALADONADO: We do not believe it would be covered, because you are dealing with children. We feel that an individual who would understand

the needs of the school district and it's population would be better able to address those particular issues, as opposed to an engineer who may not be familiar with schools on a day to day basis.

260 KAREN HAFNER, OREGON SCHOOL BOARD ASSOCIATION: The person from the Department of Education was to cover curriculum type concerns, and hopefully have expertise on buildings.

284 HOUSER: What type of background would you view the person having who would be familiar with building issues in school districts?

289 HAFNER: My guess would be that some of the larger school districts would have personnel on their staff that help with design on new buildings, that might be able to represent school districts as far as buildings.

303 CEASE: If there is an architect, or someone with expertise in structural engineering, would that be sufficient?

321 MALADONADO: Portland Public Schools do have a school architect. What we would be looking at is someone who would have direct access with school administrators, who could give back information as to what it would be like to have the children leave the schools.

332 CEASE: You're not looking for someone who knows about the design of the facility?

333 MALADONADO: The design yes, but they would have to have direct access to the school administrators who could provide further information.

336 MARVIN EVANS, FEDERATION OF OREGON SCHOOL ADMINISTRATORS: The earthquake drill is not new. It would be formalized by this bill. It's appropriate that there be a Department of Education person there concerned with the issue of the kind of instruction regarding earthquakes. There will be hundreds of schools in this state impacted by whatever this commission may recommend.

364 KELLY ROSS, OREGON FIRE SERVICE: Our concern is that there needs to be representation by the State Fire Marshall's Office on the commission. They are actively involved in seismic activities.

386 MICHAEL BOYCE, STATE FIRE MARSHALL COORDINATOR FOR THE STATE FIRE MARSHAL'S OFFICE: Read written testimony, Exhibit F.

464 CEASE: How do you work together with the Emergency Management Division?

466 BOYCE: We have over 500 fire departments that deal with emergency managers in their local, or county area.

472 OTTO: Are there any groups, besides your own that you think should be represented by this committee.

482 BOYCE: Yes. Oregon Fire Chiefs, and any type of emergency provider, for instance those who work with hazardous materials.

TAPE 14, SIDE B

032 GARY WICKS, ADMINISTRATOR OF THE BUILDING CODES AGENCY: Read written testimony, Exhibit G.

062 WICKS: Continues with written testimony.

097 GREG MCMURDO, DEPARTMENT OF EDUCATION: I feel there is an oversight in section eight of the amendments. If indeed the Department of Education is to be part of the Commission I think they ought to be listed as an agency also in section eight, and they have not been.

117 GEORGE RICHARDSON, NORTHWEST NATURAL GAS COMPANY: Would like to see a representative from the Public Utilities, included on the commission.

(TAPE 14, SIDE B)

PUBLIC HEARING

SB 309 RELATING EARTHQUAKES

Witnesses: Gary Wicks, Administrator of the Building Codes Agency Bob Hall, Portland General Electric Fred VaNatta, Multi Family Housing Council of Oregon:

147 HOUSER: If you look at the preliminary staff measure summary you will see the only remaining operative sections of SB 309 would be those addressed in the last paragraph, which would deal with the authority of the Building Codes Agency to amend the State Building Code to mandate correction of unsafe conditions caused by earthquake related damage to buildings. Everything covered in the first two paragraphs of the summary relate to the Commission and it's functions and in theory would be transferred into SB 96.

173 GARY WICKS, ADMINISTRATOR OF THE BUILDING CODES AGENCY: Read written testimony, Exhibit H.

230 WICKS: Continues with written testimony.

269 CEASE: If we amend SB 96, with what use to be a slightly different form, of the first part of 309, and don't put that in 309, what's left is sections 12, 13, 14, and 15?

277 WICKS: It would start with section 11 and carry on through out the bill, although I don't believe that section 15 would stay in SB 309.

287 GRENSKY: I have seen buildings that are unsafe. When I see them am I seeing a city or a county that is condemning them, and how does that fit in with this bill?

300 WICKS: I wouldn't suggest that local governments are free to do a lot of things. Their authority is delegated by the building codes or specifically prescribed in the statute, since they're established by the Legislature. They do have the authority to adopt a dangerous building code. A dangerous building code would provide for the inspection of buildings, and also provide that the proper action be taken when a building has been declared dangerous.

338 GRENSKY: Tell me what you're trying to accomplish that isn't already possible in cities and counties

350 WICKS: It is already possible in local jurisdictions where they have adopted a dangerous building code. They already have the authority to do what I'm asking that the Building Codes Agency be given the authority to do.

369 GRENSKY: Are there some places that don't enforce building codes?

375 WICKS: Yes. There are a lot of areas of Oregon where the Building Codes Agency, and local jurisdictions, have not taken on the responsibility of enforcing building codes.

395 BOB HALL, PORTLAND GENERAL ELECTRIC: In SB 96 you are referring to power generation facilities and then you're creating the ability of the Building Codes Agency to promogate codes affecting all the different areas. A number of facilities are controlled by the Federal Regulatory Energy Commission. I want to make sure that we don't get into a conflicting code situation.

428 CEASE: I don't see anything in here about dams. The state regulation of safety of dams lies where?

433 HALL: I think you'll find the safety provisions are primarily covered under the Federal Regulatory Energy Commission. The Water Resources Department does have authority over dams.

472 FRED VaNatta, MULTI FAMILY HOUSING COUNCIL OF OREGON: I'm here to support SB 309.

TAPE 15, SIDE B

045 GRENSKY: What are your feelings as to how this is going to work in the field?

053 VaNatta: If I understand SB 309 the questions are raised after an earthquake, and there is a question of whether the building is safe for occupancy or not. Having a Building Codes official assist in that determination is probably useful to the building owner.

065 GRENSKY: Do you feel this is necessary now?

066 VaNatta: In most areas of the state, local jurisdictions have the authority to do this now. We believe this is necessary for those areas who are not covered by local jurisdiction.

(TAPE 15, SIDE B)

PUBLIC HEARING

SB 312 RELATING TO UNSAFE STRUCTURES

Witnesses: Alfred Staehli, Architect Kelly Ross, Portland Building Owners Managers Assoc. Marvin Evans, Confederation of Oregon School Administrators Karen Hafner, Oregon School Board Association Leticia Maldonado, Portland Public Schools Roger McGarrigle, Structural Engineers Association of Oregon Craig Smith, Chief Financial Officer of Chemeketa Community College

087 ALFRED STAEHLI, ARCHITECT: Expressed concern regarding inspection and investigation after an earthquake.

142 KELLY ROSS, PORTLAND BUILDING OWNERS MANAGERS: Expressed concern regarding the definition of an unsafe condition as stated in SB 312, and the cost of remodeling buildings to bring them up to code.

186 MARVIN EVANS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS. Expressed concern regarding the definition of unsafe condition and what the implications of that would be for school buildings throughout the state

207 KAREN HAFNER, OREGON SCHOOL BOARD ASSOCIATION: Stated that SB 312 is redundant and unnecessary due to the fact that SB 96 and SB 309 do what is intended in SB 312 .

224 OTTO: Suppose there is an earthquake and there is serious damage

done. What would your response be, "We didn't have enough money?"

230 ROSS: Money is the issue. We don't know how we would pay for this if we had to go back and do it.

247 LETICIA MALDONADO, PORTLAND PUBLIC SCHOOLS: Expressed concern with the definition of unsafe condition as defined in SB 312.

298 ROGER MCGARRIGLE, STRUCTURAL ENGINEERS ASSOCIATION OF OREGON: Our intent in this measure is to reduce seismic risk. We are of the opinion that an earthquake is in our future. Referred to the earthquakes that have happened in the recent past and discussed the damage, and the potential damage of a large earthquake. Discussed the damage that he has seen in other cities throughout the country after an earthquake.

TAPE 16, SIDE A

045 MCGARRIGLE: Continued reviewing the bill. Supports the bill.

094 CRAIG SMITH, CHIEF FINANCIAL OFFICER OF CHEMEKETA COMMUNITY COLLEGE: Expressed concern regarding the cost to retrofit buildings.

100 HOUSER: Distributed fiscal impact statement For SB 312, Exhibit J.

Meeting adjourned at 5:14

Submitted By:

Reviewed By:

Jayne Hamilton  
Assistant

Joan Green

Assistant

EXHIBIT LOG

A - Hand-engrossed version of SB 96, Staff, 8 pages B - Proposed amendments to SB 96, Staff, 7 pages B-1 - Fiscal impact statement on SB 96, Staff, 1 page C - Written testimony on SB 96, 4 pages, John Beaulio D - Written Testimony on SB 96, Myra Thompson Lee, 1 page E - Written testimony on SB 96, Ermel Quevedo, 2 pages F - Written testimony on SB 96, Michael Boyce, 2 pages G - Written Testimony on SB 96, Gary Wicks, 1 page H - Written Testimony on SB 309, Gary Wicks, 3 pages I - Fiscal impact statement on SB 309, Staff, 1 page J - Fiscal impact statement on SB 312, Staff, 1 page