

Senate Government Operations March 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

March 6, 1991Hearing Room "B" 3:00 p.m. Tapes 37 - 38

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 #310 - Relating to earthquakes,  
PH SB #311 - Relating to structural engineering, PH SB #96 - Relating to  
earthquake preparedness, WS SB #309 - Relating to earthquakes, WS SB  
#312 - Relating to unsafe structures WS

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 37, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:09.

(TAPE 37, SIDE A)

PUBLIC HEARING

SB 310 RELATING TO EARTHQUAKES

Witnesses:John Beaulieu, Deputy State Geologist Roger McGarrigle,  
Seismic Safety Policy Advisory Commission

010 HOUSER: Distributed fiscal impact statement, Exhibit A.

011 JOHN BEAULIEU, DEPUTY STATE GEOLOGIST: Read written testimony,  
Exhibit B.

042 OTTO: I would like to see all of this information centered in one place, so if a person wants information about earthquakes or seismic activities, he can go to one location and get that information.

049 BEAULIEU: One of the functions of our department is to maintain a very specialized geological library for the state of Oregon. If a person would come to our library looking for all of the earthquake information in the state, I couldn't guarantee they would find all of it, but they would find all that we're aware of. There's probably a copy in our library, of any significant research that has been done in Oregon.

065 ROGER MCGARRIGLE, SEISMIC SAFETY POLICY ADVISORY COMMISSION: It occurs to me that there has been an opinion expressed, that perhaps there's not a basis for these discussions on earthquakes. In my written testimony I have described why I feel that earthquakes are an issue that are worthy of our time and the inconveniences that we are proposing. Read written testimony, Exhibit C. We have an earthquake risk. We're asking for a lot of legislation that will consume societies money to some degree. We think that what we're asking for is reasonable based on the risk.

(TAPE 37, SIDE A)

PUBLIC HEARING

SB 311 RELATING TO STRUCTURAL ENGINEERING

Witnesses:Roger McGarrigle, Seismic Safety Policy Advisory Commission Ed  
Graham, State Board of Engineering Examiners Don Woodley, Oregon  
Building Officials Terry Shike, Oregon Dept. of Transportation Joe

Gehlen, Structural Engineers Assoc. of Oregon

127 ROGER MCGARRIGLE, SEISMIC SAFETY POLICY ADVISORY COMMISSION: The concept of this bill is to require that structures be designed by people who are especially qualified by the state as structural engineers. We are recommending that people who are currently doing these designs, but do not have this license be allowed to go to the Board of Engineering Examiners, describe their ability to that board and be allowed to continue as before. It would also require structural engineers to have a program of continuing education.

230 ED GRAHAM, STATE BOARD OF ENGINEERING EXAMINERS: The Board has not met and officially taken a position on this measure. I've contacted several Board Members and they were unable to support the measure as originally introduced. Referred to proposed amendments that he submitted for the Structural Engineers Association, Exhibit D.

243 OTTO: What is your position on the measure?

244 GRAHAM: Personally I think the measure has great merit and should be carefully considered by the Committee.

248 SMITH: Who's amendments are these that you had distributed.

250 GRAHAM: The Board of Engineering Examiners has not had an opportunity to meet and officially take a position. I did poll Board Members and we did submit some amendments to the Structural Engineers Association, and I believe those amendments are reflected in Mr. Gehlens' letter of February 28 to the Committee.

270 DON WOODLEY, OREGON BUILDING OFFICIALS: In the past few hours we have met with members of the Board of Engineering Examiners and with Roger McGarrigle to discuss the amendments with this bill, along with some of our concerns with it. We support the concept of the bill, but we have concerns about certain portions of the bill. We would like more of an opportunity to work out some of the wrinkles that we have in the bill.

287 OTTO: How much more time would you need?

288 WOODLEY: We have penciled in the changes we would like to have made. We would also like to have them looked at by Legislative Counsel.

291 HOUSER: I might point out that we did receive the amendments from the Structural Engineers Association. I took those to the Legislative Counsels' office to have them drafted, Legislative Counsel indicated they had some constitutional and legal questions about some of the wording that had been proposed. It was their recommendation that they would be willing to work the Structural Engineers Association, and any of the other interested parties in this bill. To my understanding everybody is agreeable to doing that.

311 OTTO: All of you who are interested in this bill work with John, and he will make arrangements to get with Sue Hanna who will take it from there.

317 TERRY SHIKE, OREGON DEPT. OF TRANSPORTATION: Agrees with the concept of the bill. Discussed concerns about the references to bridges in the bill. Since bridges are designed under a different code, we believe they should be excluded from this bill. There's a statement in section 8, sub-section 2C, that talks about mass transit facilities. We do design bridges that carry mass transit facilities, but we design them under the Rail Road specifications and not Building Codes. We believe that because of that, we should exclude bridges in this bill. Secondly, the examination that is given to structural engineers is geared toward building design and not bridge design, and until the exam is tailored so that it also covers bridges, we don't believe this is appropriate.

366 OTTO: Please provide the Committee with proposed amendments. How safe are the bridges in Oregon? For example the Marquam Bridge.

378 SHIKE: If you're talking about seismic concerns, that is probably the most vulnerable bridge we have.

395 OTTO: Why wasn't that taken into account when it was built?

396 SHIKE: At the time that structure was built, new structures were being classified into zones. 1,2,3 and 4 depending on the magnitude of the earthquake expected. I believe that the Portland area was a zone 2. We are currently designing buildings at a zone 3 which is more significant.

418 OTTO: What about the Fremont Bridge?

419 SHIKE: It was designed in 1977 to a heavier magnitude. It's in

much better shape, but we are in the process of looking at that one also.

423 SMITH: How large of an earthquake are you talking about when you say a zone 2 or zone 3 earthquake?

435 MCGARRIGLE: There really is no correlation between earthquake risk zones in the uniform building code, and in the magnitude of an earthquake that you expect. It's more of a prescriptive way of designing structures based on how much money you think you ought to throw into the problem. When we go into a zone 3 we require a lot more things.

449 SMITH: When you're deciding what to throw into a zone 2 bridge, does someone tell you what to put into it so that it can withstand a certain degree of an earthquake?

TAPE 38, SIDE A

021 SHIKE: Yes and no. We can go through calculations and determine rock acceleration where we determine what kind of force would go into the bridge. You really can't give a straight answer to that question.

033 SMITH: Doesn't that kind of consideration come into play when you're deciding whether to throw highway dollars into the retrofitting of a bridge?

034 SHIKE: Yes.

036 MCGARRIGLE: What happens is when we write these codes, we spend time in committees evaluating how earthquakes act.

045 SMITH: You said you're looking at the Marquam Bridge, and I assume trying to decide whether or not the risk is great enough to be worth putting the money into it. How long of a process is that?

052 SHIKE: We are designing the retrofit for the Marquam Bridge. We have a two phase retrofit program. We've already made the determination to start the first phase, but we have not made the determination to do the second phase.

074 JOE GEHLEN, STRUCTURAL ENGINEERS ASSOC. OF OREGON: Read written testimony, Exhibit E. The legislation that we are trying to promote, is basically to require that people who design significant structures which require a greater knowledge because of their complexity, show that capability by experience and taking the exam which test their capabilities for seismic design, which is a sixteen hour exam that is presently being offered by the state. In section 2, under 3B we wanted to make sure that testimony indicated that the intention of this paragraph does not apply to plans reviewers. Under section eight on page five under 4B, the intent is that the law require the structural engineer to be actively involved in establishing testing and inspection programs for structures. This doesn't in any way mean that we want to supplant the responsibility of the Building Dept. for the inspections and requirements that they may have. Nor does it mean that if an engineer requires a certain test that goes beyond what the Building Dept may require, that the Building Official will have to go out and do that inspection. Reviewed amendments included in exhibit D. (TAPE 38, SIDE A)

WORK SESSION

SB 96 RELATING TO EARTHQUAKE PREPAREDNESS

Witnesses: John Beaulieu, Deputy State Geologist

288 HOUSER: Distributed -3 amendments, Exhibit F. and the hand engrossed version of SB 96, exhibit G, and reviewed them for the committee.

TAPE 37, SIDE B

017 CEASE: What all is included in the language on page 2G, which is now part of section 12. Are dams included in there? If I understand what we're doing in this, we're excluding that kind of thing from a special occupancy structure by taking that out. Is that correct?

032 HOUSER: I believe the impression from the meeting was the types of structures that were being addressed here are regulated by a number of other State and Federal agencies with regard to their safety, regarding possible earthquake hazards.

039 JOHN BEAULIEU, DEPUTY STATE GEOLOGIST: Line 23 and 24 on page 3 of the

original bill, we're in section 10 which is a directive to the Building Codes Agency, and those are items which are not in their authority, and therefore they do not belong in that directive.

068 MOTION: SEN CEASE MOVED TO REMOVE THE WORD PUBLIC ON LINE 23 ON PAGE 1. HEARING NO OBJECTIONS, SO ORDERED.

073 MOTION: SEN CEASE MOVED THE -3 AMENDMENTS AS AMENDED TO SB 96. HEARING NO OBJECTIONS, SO ORDERED.

079 MOTION: SEN CEASE MOVED SB 96 TO WAYS AN MEANS WITH A DO PASS RECOMMENDATION.

086 VOTE: MOTION CARRIED, 4-0. (EXCUSED, SEN BUNN, SEN GRENSKY, AND SEN KITZHABER.)

(TAPE 37, SIDE B)

WORK SESSION

SB 309 RELATING TO EARTHQUAKES

Witnesses: Gary Wicks, Building Codes Agency

101 HOUSER: Distributed and reviewed the amendments, for SB 309, exhibit H.

147 CEASE: On the hand engrossed bill on page 1 there is still a section 1. I don't believe that according to the -1 amendments that it should be there.

154 HOUSER: You are correct.

182 CEASE: Doesn't new section 2 require addition work from the agency?

190 GARY WICKS, BUILDING CODES AGENCY: We've had discussions on the fiscal impact and it's our opinion that we can do the rules without any additional funding. Obviously if we had an earthquake and we had to send people out to do inspections, we'd be back at the legislature asking for funds. Under the obligations we have right now, we are confident that we can do it without any additional funding. After the bill is amended there would be no fiscal impact that I'm aware of.

205 MOTION: SEN CEASE MOVED THE -1 AMENDMENTS DATED 3/5/91 TO SB 309, HEARING NO OBJECTION, SO MOVED.

219 MOTION: SEN CEASE MOVED SB 309 AS AMENDED TO THE PRESIDENTS DESK WITH A REQUEST THAT THE SUBSEQUENT REFERRAL TO WAYS AND MEANS BE REMOVED AND THE BILL BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION.

235 VOTE; MOTION CARRIED, 4-0. (EXCUSED, SEN BUNN, SEN GRENSKY AND SEN KITZHABER.)

(TAPE 37, SIDE B)

WORK SESSION

SB 312 RELATING TO UNSAFE STRUCTURES

Witnesses: Rodger McGarrigle, Structural Engineers Assoc. of Oregon

240 HOUSER: Reviewed the bill for the committee. Explained that Structural Engineers Assoc. had proposed amendments to the bill, however Legislative Counsel could not draft the amendments as they were submitted.

276 OTTO: Suggested that the Structural Engineers Assoc. and Legislative Counsel meet and concur on the amendments.

288 RODGER MCGARRIGLE, STRUCTURAL ENGINEERS ASSOC. OF OREGON: We found out earlier today that are amendment did not solve the problem. Basically what we want is to allow the Building Codes Agency to adopt a National Code for the abatement of dangerous buildings, not to require them to go look at buildings, not to allow someone to simply write a letter that says my enemy over here owns a building and it's dangerous. We understand that that problem still exists and we'd like to work with the Building Codes Agency and the Building Officials of Oregon to address that problem.

Meeting adjourned at 4:30

Submitted By:

Jayne Hamilton

Reviewed By:

Joan Green

Assistant

Administrator

EXHIBIT LOG

A - Fiscal impact statement SB 310, staff, 2 pages B - Written testimony, John Beaulieu, 2 pages C - Written testimony, Roger McGarrigle, 8 pages D - Proposed amendments for SB 311, Ed Graham, 4 pages E - Written testimony, Joe Gehlen, 2 pages F - Proposed amendments for SB 96, staff, 8 pages G - Proposed amendments for SB 96, staff 10 pages H - Proposed amendments for SB 309, staff, 6 pages