Enrolled
Senate Bill 79

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CHAPTER .....

AN ACT

Relating to seismic safety; creating new provisions; and amending sections 1 and 2, chapter 797, Oregon Laws 2001, and sections 1 and 2, chapter 798, Oregon Laws 2001.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 1, chapter 797, Oregon Laws 2001, is amended to read:

Sec. 1. (1) Subject to the provision of funding by the State Department of Geology and Mineral Industries from gifts, grants and donations made available for carrying out this section, the State Board of Higher Education shall provide for seismic safety surveys of buildings that have a capacity of 250 or more persons and are routinely used for student activities by public institutions or departments under the control of the board. For purposes of this section, the Oregon Health and Science University is not under the control of the board.

(2) Subject to the provision of funding by the [*State*] department [*of Geology and Mineral Industries*] from gifts, grants and donations made available for carrying out this section, the State Board of Education shall provide for seismic safety surveys of buildings that have a capacity of 250 or more persons and are routinely used for student activities by kindergarten through grade 12 public schools, community colleges and education service districts.

(3) The boards shall ensure that the seismic safety surveys under subsection (1) or (2) of this section are conducted in accordance with the Federal Emergency Management Agency publication, "Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook," FEMA-154, [*1988*] **2002** Edition**, or with a later edition of that handbook allowed for seismic safety survey use under a rule adopted by the department**.

(4) A seismic safety survey under subsection (1) or (2) of this section is not required for any building that has previously undergone a seismic safety survey or that has been constructed to the state building code standards [*that are*] in effect for the seismic zone classification at the site on [*the effective date of this 2001 Act*] **July 19, 2001**.

(5) The boards may, by rule, establish standards to identify which buildings are routinely used for student activities. The standards must provide for the inclusion of buildings not used as classrooms, including but not limited to libraries, auditoriums and dining facilities. The boards shall adopt rules for determining building capacity.

(6) To the extent practicable, the boards shall ensure that the seismic safety surveys required under subsections (1) and (2) of this section are completed by January 1, 2007.

SECTION 2. Section 2, chapter 797, Oregon Laws 2001, is amended to read:

Sec. 2. (1) The State Board of Higher Education and the State Board of Education shall send surveys conducted pursuant to section 1 (1) and (2) [*of this 2001 Act*]**, chapter 797, Oregon Laws 2001,** to the State Department of Geology and Mineral Industries. Notwithstanding section 1 (6) [*of this 2001 Act*]**, chapter 797, Oregon Laws 2001**, if the department determines that a survey is not fully and properly completed, the department may refuse to accept the survey and may return the survey to the appropriate board for correction or completion.

(2) The department may accept seismic safety surveys for buildings that are exempt under section 1 (4) [*of this 2001 Act*]**, chapter 797, Oregon Laws 2001,** if the department determines that the surveys are fully and properly completed and are sufficiently similar to other surveys to be useful. The surveys accepted by the department under this subsection do not need to be surveys conducted by the boards.

(3) The department shall use seismic safety surveys accepted under subsections (1) and (2) of this section to make an initial evaluation of the seismic safety of each surveyed building.

(4) Subject to available funding and after consultation with the department, the State Board of Higher Education, local school district board, community college board or education service district board shall conduct such additional seismic safety evaluations of buildings as each of those boards considers necessary. The boards shall conduct the evaluations [*using the*] **for** life safety [*standard*] **as** set forth in the [*Federal Emergency Management Agency publication, "Handbook for the Seismic Evaluation of Buildings: A Prestandard," FEMA-310, 1998 Edition,*] **American Society of Civil Engineers Standard for Seismic Evaluation of Existing Buildings (SEI/ASCE 31-03), 2003 Edition, or in any later edition of that standard allowed for seismic safety evaluation use under a rule adopted by the State Department of Geology and Mineral Industries** or **using** a stricter standard selected by the board that conducts the survey.

SECTION 3. Section 1, chapter 798, Oregon Laws 2001, as amended by section 280, chapter 14, Oregon Laws 2003, is amended to read:

Sec. 1. (1) Subject to the provision of funding by the State Department of Geology and Mineral Industries from gifts, grants and donations made available for carrying out this section, the Department of Human Services shall provide for seismic safety surveys of hospital buildings that contain an acute inpatient care facility. As used in this subsection, "acute inpatient care facility" has the meaning given that term in ORS 442.470. As used in this subsection, "acute inpatient care facility" includes the Oregon Health and Science University.

(2) Subject to available funding from gifts, grants and donations made available for carrying out this section, the State Department of Geology and Mineral Industries shall provide for seismic safety surveys of fire stations.

(3) Subject to available funding from gifts, grants and donations made available for carrying out this section, the State Department of Geology and Mineral Industries shall provide for seismic safety surveys of police stations, sheriffs' offices and similar facilities used by state, county, district and municipal law enforcement agencies.

(4) The Department of Human Services and the State Department of Geology and Mineral Industries shall ensure that seismic safety surveys conducted under subsections (1) to (3) of this section are conducted in accordance with the Federal Emergency Management Agency publication, "Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook," FEMA-154, [*1988*] **2002** Edition**, or with a later edition of that handbook allowed for seismic safety survey use under a rule adopted by the State Department of Geology and Mineral Industries**.

(5) A seismic safety survey under subsections (1) to (3) of this section is not required for any building that has previously undergone a seismic safety survey or that has been constructed to the state building code standards in effect for the seismic zone classification at the site on July 19, 2001.

(6) The Department of Human Services or the State Department of Geology and Mineral Industries, as appropriate, shall ensure that seismic safety surveys required under subsections (1) to (3) of this section are completed by January 1, 2007.

SECTION 4. Section 2, chapter 798, Oregon Laws 2001, as amended by section 281, chapter 14, Oregon Laws 2003, is amended to read:

Sec. 2. (1) The Department of Human Services shall send the seismic safety surveys conducted pursuant to section 1 (1), chapter 798, Oregon Laws 2001, to the State Department of Geology and Mineral Industries. Notwithstanding section 1 (6), chapter 798, Oregon Laws 2001, if the State Department of Geology and Mineral Industries determines that a survey is not fully and properly completed, the State Department of Geology and Mineral Industries may refuse to accept the survey and may return the survey to the Department of Human Services for correction or completion.

(2) The State Department of Geology and Mineral Industries may accept seismic safety surveys for buildings that are exempt under section 1 (5), chapter 798, Oregon Laws 2001, if the State Department of Geology and Mineral Industries determines that the surveys are fully and properly completed and are sufficiently similar to other surveys to be useful. The surveys accepted by the State Department of Geology and Mineral Industries under this subsection do not need to be surveys conducted by the Department of Human Services or the State Department of Geology and Mineral Industries.

(3) The State Department of Geology and Mineral Industries shall use seismic safety surveys accepted under subsections (1) and (2) of this section or conducted pursuant to section 1 (2) or (3), chapter 798, Oregon Laws 2001, to make an initial evaluation of the seismic safety of each surveyed building.

(4) Subject to available funding and after consultation with the State Department of Geology and Mineral Industries, the acute inpatient care facility, fire department or fire district or law enforcement agency shall conduct such additional seismic safety evaluations of buildings as the facility, fire department or fire district or law enforcement agency considers to be necessary. The facility, fire department or fire district or law enforcement agency shall conduct the evaluations [*using the*] **for** life safety [*standard*] **as** set forth in the [*Federal Emergency Management Agency publication, "Handbook for the Seismic Evaluation of Buildings: A Prestandard," FEMA-310, 1998 Edition,*] **American Society of Civil Engineers Standard for Seismic Evaluation of Existing Buildings (SEI/ASCE 31-03), 2003 Edition, or in any later edition of that standard allowed for seismic safety evaluation use under a rule adopted by the State Department of Geology and Mineral Industries** or **using** a stricter standard selected by the acute inpatient care facility, fire department or fire district or law enforcement agency that conducts the survey.

SECTION 5. The amendments to sections 1 and 2, chapter 797, Oregon Laws 2001, and sections 1 and 2, chapter 798, Oregon Laws 2001, by sections 1 to 4 of this 2005 Act apply to seismic safety surveys begun on or after the effective date of this 2005 Act and to additional seismic safety evaluations of buildings for which the seismic safety survey was begun on or after the effective date of this 2005 Act.

Passed by Senate March 22, 2005

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Secretary of Senate

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President of Senate

Passed by House June 6, 2005

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Speaker of House

Received by Governor:

.....M.,....., 2005

Approved:

.....M.,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2005

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Secretary of State