

House Bill 2854

Sponsored by Representative EVANS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Tells a state agency to make changes to the state building code that say which design features school facilities must have in a seismic zone. (Flesch Readability Score: 63.0).

Requires the Director of the Department of Consumer and Business Services to adopt amendments to the state building code that mandate certain design features for new school facilities in a designated seismic hazard region. Specifies the design features.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to building code requirements for school facilities within the seismic hazard region; creat-
3 ing new provisions; amending ORS 455.447; and declaring an emergency.

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

5 **SECTION 1. ORS 455.447 is added to and made a part of ORS 455.010 to 455.740.**

6 **SECTION 2. ORS 455.447 is amended to read:**

7 455.447. (1) As used in this section[, *unless the context requires otherwise*]:

8 (a) "ASCE" means the American Society of Civil Engineers.

9 (b) "ASCE 7" means the ASCE Minimum Design Loads and Associated Criteria for Buildings
10 and Other Structures that appear in the Oregon Structural Specialty Code.

11 (c) "Major structure" means a building over six stories in height with an aggregate floor area
12 of 60,000 square feet or more, every building over 10 stories in height and parking structures as
13 determined by Department of Consumer and Business Services rule.

14 (d)(A) "School facility" means a building newly constructed for use as or as part of an
15 elementary school, middle school, high school or community college.

16 (B) "School facility" does not include a day care facility, a religious institution or portion
17 of a religious institution dedicated to education or a building with an occupant load of fewer
18 than 250 persons.

19 (e) "Seismic design category" means a classification defined in "Determination of Seismic
20 Design Category," Table 1613.2.5 of the Oregon Structural Specialty Code, that applies to a
21 structure and governs the design features that the structure must include to respond to an
22 anticipated seismic hazard.

23 [(d)] (f) "Seismic hazard" means a geologic condition that is a potential danger to life and
24 property that includes but is not limited to earthquake, landslide, liquefaction, tsunami inundation,
25 fault displacement, and subsidence.

26 (g) "Seismic hazard region" means Benton County, Clackamas County, Clatsop County,
27 Columbia County, Coos County, Curry County, Douglas County, Jackson County, Josephine
28 County, Klamath County, Lane County, Lincoln County, Linn County, Marion County,

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **Multnomah County, Polk County, Tillamook County, Washington County and Yamhill**
 2 **County.**

3 (2) The Department of Consumer and Business Services shall consult with the Seismic Safety
 4 Policy Advisory Commission and the State Department of Geology and Mineral Industries prior to
 5 adopting rules. Thereafter, the Department of Consumer and Business Services may adopt rules as
 6 set forth in ORS 183.325 to 183.410 to amend the state building code to:

7 (a) Require new building sites to be evaluated on a site specific basis for vulnerability to [*seis-*
 8 *mic geologic hazards*] **a seismic hazard** if the sites are for structures that are:

9 (A) Major structures; [*or*]

10 **(B) School facilities in the seismic hazard region; or**

11 [*(B)*] **(C) Designated under subsection (5) of this section as Tsunami Risk Category III or IV for**
 12 **design.**

13 (b) Require a program for the installation of strong motions accelerographs in or near selected
 14 major buildings **and all school facilities in the seismic hazard region.**

15 (c) Provide for the review of geologic and engineering reports for seismic design of new major
 16 structures, **school facilities in the seismic hazard region** [*or*] **and** buildings that have been des-
 17 ignated under subsection (5) of this section as Tsunami Risk Category III and IV for design.

18 **(d) Require school facilities in the seismic hazard region to have the design features**
 19 **specified in subsection (7) of this section.**

20 [*(d)*] **(e) Provide for filing of noninterpretive seismic data from site evaluation in a manner ac-**
 21 **cessible to the public.**

22 (3) For the purpose of defraying the cost of applying the regulations in subsection (2) of this
 23 section, there is hereby imposed a surcharge in the amount of one percent of the total fees collected
 24 under the structural and mechanical specialty codes for major structures, **school facilities in the**
 25 **seismic hazard region** and buildings that have been designated under subsection (5) of this section
 26 as Tsunami Risk Category III or IV for design, which fees are retained by the jurisdiction enforcing
 27 the particular specialty code as provided in ORS 455.150 or enforcing a building inspection program
 28 under ORS 455.148.

29 (4) Before submitting design plans for a proposed building designated under subsection (5) of this
 30 section as Tsunami Risk Category III or IV for design, the developer shall request consultation from
 31 the State Department of Geology and Mineral Industries with respect to the impacts from potential
 32 tsunami activity on the proposed building and the department shall provide the developer with the
 33 best available scientific evidence of potential impacts. The department shall make a determination
 34 as to the likely impacts and recommend any design or other changes to mitigate the impacts that
 35 the department deems advisable or necessary. The department shall notify the developer and the
 36 official responsible for approving the development not later than 45 days after receiving the
 37 developer's request. An official that approves the development shall include the department's deter-
 38 mination and recommendations with permit documents for the building.

39 (5) Notwithstanding any contrary standard under the structural specialty code, the following
 40 must be designed to meet or exceed the tsunami loads and effects design standards applicable under
 41 the provisions related to tsunamis in ASCE 7:

42 (a) Risk Category III buildings and structures, as defined in "Risk Category of Buildings and
 43 Other Structures," Table 1604.5 of the Oregon Structural Specialty Code. Buildings and other
 44 structures described in this paragraph must be designated as Tsunami Risk Category III for design.

45 (b) Risk Category IV buildings and structures, as defined in "Risk Category of Buildings and

1 Other Structures,” Table 1604.5 of the Oregon Structural Specialty Code. Buildings and other
 2 structures described in this paragraph must be designated as Tsunami Risk Category IV for design.

3 (6) The State Department of Geology and Mineral Industries shall report regarding requests,
 4 determinations and recommendations made under subsection (4) of this section to an interim com-
 5 mittee of the Legislative Assembly related to general government in the manner provided by ORS
 6 192.245, no later than September 15 of each year.

7 (7)(a) **The director shall establish the seismic hazard region as an administrative region**
 8 **under ORS 455.042.**

9 (b) **School facilities in the seismic hazard region must be classified within an appropriate**
 10 **seismic design category, based on consultation with the State Department of Geology and**
 11 **Mineral Industries, and must meet all standards that apply to the seismic design category**
 12 **within which the school facility is classified.**

13 (c) **In addition to and not in lieu of standards that apply under paragraph (b) of this**
 14 **subsection, a school facility must have at least the following design features:**

15 (A) **Natural gas lines with earthquake-activated automatic gas shutoff devices that con-**
 16 **form to currently applicable standards for such devices;**

17 (B) **Restrained pipe joints for water and sewer lines;**

18 (C) **At least one designated emergency shelter within the school facility that consists of**
 19 **a room of not less than 2,500 square feet of level gross floor area without fixed furnishings**
 20 **or impediments that are too difficult for a person of average strength and mobility to remove**
 21 **from the room;**

22 (D) **Kitchens, bathrooms and sources of drinking water with capacity to serve the occu-**
 23 **phant load for all of the school facility’s designated emergency shelters;**

24 (E) **An electrical generator with an automatic transfer switch that activates following a**
 25 **loss of main electrical power and that is capable of providing power, at a minimum, to**
 26 **emergency shelters, kitchens and bathrooms within the school facility;**

27 (F) **Electrical wiring that is dedicated to supporting designated emergency shelters, in-**
 28 **cluding ventilation, lighting and electric outlets in the emergency shelters and lighting and**
 29 **equipment in kitchens;**

30 (G) **A transfer switch that allows a connection from any available photovoltaic solar**
 31 **power source to emergency shelters and kitchens within the school facility;**

32 (H) **Fuel sufficient to power the electrical generator described in subparagraph (E) of this**
 33 **paragraph for a minimum of 96 consecutive hours, plus adequate safe storage for the fuel;**

34 (I) **A supply of emergency potable water sufficient to serve the occupant load for all of**
 35 **the school’s designated emergency shelters;**

36 (J) **Piping and connections with manual transfer valves that allow temporary potable**
 37 **water sources to be provided from outside to the school facility; and**

38 (K) **Piping and connections that isolate water sources for emergency shelters and kitch-**
 39 **ens, bathrooms and sources of drinking water that are appurtenant or otherwise connected**
 40 **to the emergency shelters.**

41 (d) **Notwithstanding any contrary standard under the structural specialty code, the de-**
 42 **sign features described in paragraph (c) of this subsection must conform to standards that**
 43 **apply to Risk Category IV buildings and structures, as defined in “Risk Category of Buildings**
 44 **and Other Structures,” Table 1604.5 of the Oregon Structural Specialty Code and to equip-**
 45 **ment and facilities designed for use in Risk Category IV buildings and structures.**

1 (e) If any of the requirements set forth in paragraph (b) or (c) of this subsection conflict
 2 with the design standards that apply to a school facility under a designated seismic design
 3 category or that apply if the school facility is designated under subsection (5) of this section
 4 as Tsunami Risk Category III or IV for design, the official responsible for approving the de-
 5 velopment shall resolve the conflict such that the standards and requirements that apply to
 6 the design of the school facility are those that provide more stringent protections for the
 7 health and safety of the occupants and potential occupants of the school facilities.

8 **SECTION 3.** (1) As used in this section and section 4 of this 2025 Act:

9 (a) “School facility” has the meaning given that term in section 2 of this 2025 Act.

10 (b) “Seismic hazard region” has the meaning given that term in section 2 of this 2025
 11 Act.

12 (2) With advice and consultation from representatives of the Department of Education,
 13 the Oregon Department of Emergency Management, local governments and school and
 14 community college districts within the seismic hazard region, emergency services providers
 15 and other stakeholders, the State Resilience Officer shall develop a model memorandum of
 16 understanding for use between an owner of a school facility and emergency services provid-
 17 ers within the seismic hazard region. The model memorandum of understanding must, at a
 18 minimum, allocate resources, define lines of authority and responsibilities for management,
 19 policy making and operations, specify the expected scope and scale of, and response to, an
 20 emergency and otherwise plan for the use, support and operation of designated emergency
 21 shelters within each school facility in the seismic hazard region.

22 (3) The State Resilience Officer shall report not later than December 31, 2026, to an in-
 23 terim committee of the Legislative Assembly related to emergency planning concerning
 24 progress on developing the memorandum described in subsection (2) of this section. The of-
 25 ficer shall include with the report the completed memorandum or any drafts, outlines or
 26 other materials necessary to aid the committee in understanding the issues involved in de-
 27 veloping the memorandum and the progress that the officer has achieved as of the date of
 28 the report.

29 **SECTION 4.** The Director of the Department of Consumer and Business Services shall
 30 ensure that the amendments to the state building code required under ORS 455.447, as
 31 amended by section 2 of this 2025 Act, become effective not later than January 1, 2027, and
 32 apply thereafter to new construction of school facilities within the seismic hazard region.

33 **SECTION 5.** This 2025 Act being necessary for the immediate preservation of the public
 34 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
 35 on its passage.