



OBOA LEGISLATIVE COMMITTEE MEETING MINUTES

November 24, 2008

Call to Order and Introductions

The meeting was called to order at 12:12 p.m., November 24, 2008, by Committee Co-Chair Stuart Ramsing (City of Eugene). Committee members attending included: Co-Chair Bill Cross (OBOA), Aaron Yuma (Douglas County), John Stelzenmueller (City of Tualatin), Mark Whitlow (City of Eugene), Andrea Simmons (BCD), Chris Huntington (BCD), Jeff Kennedy (City of Independence), Jerry Arcari (City of Molalla), Tom Phillips (City of Salem), Charlcie Kaylor (The Building Department), Dave Davies (City of West Linn), Melanie Adams (City of Albany) and Kraig Stevenson (ICC).

Review of Committee Composition, Role and Responsibilities

Co-Chair Ramsing reviewed the composition of the Committee and discussed its role and responsibilities. The Committee includes members that, due to the distance from Salem often aren't able to attend the meetings, but like to be able to provide input of legislation. We need to ensure that we have the electrical and plumbing specialties represented. It was noted Mike Broomfield (City of Ashland) and Jim Alexander (City of Albany) are available as resources for electrical issues and that Brett Cook, Hank McDonald and Jeff Kennedy are on committee and have plumbing expertise.

Tom Phillips suggested that maybe the Committee should assign or appoint a lead person on each bill or issue so that we can avoid duplication of efforts when we are researching and analyzing the various bills. It was agreed that we would try to do that. It was also recommended to the extent possible that there be continuity through the legislative process to the rule-making with respect to the participation of specific committee members.

The meetings will be no longer than two hours and a regular monthly meeting date will be identified through a survey process of the individual committee members for meetings beginning in late January through the session (or as long as necessary).

BCD's role is to share with the Committee information about the bills it is tracking, the stakeholders involved and whether the Department/Division has a position. Generally the Division is neutral on most bills.

Bill Cross explained that the Committee reviews legislation and develops positions and recommendations for the Board of Directors' final consideration. The Committee attempts to represent the membership at large and build consensus positions on legislation. Electronic communications are used when a time-sensitive decision or direction is required.

Review of Rule-Making Activities

Bill Cross distributed testimony that he presented at the BCD hearing on November 18 on the Local Code Amendment Request rule proposal. While OBOA is very supportive of the intent of the rule, the Association recommended clarifications in several of the provisions based on input from Stuart Ramsing and Melanie Adams. The rule is to be adopted January 1, 2009.

Andrea Simmons announced that the OSSC code change cycle begins after the first of the year. However, it presents a tough timeline to incorporate some of the energy code changes that the Division would like to make. BCD will separate the energy code issues so that the State can keep on the timeline of April 1, 2010. The energy code changes will require a 20-30% reduction in energy usage for certain commercial structures. The code discussion process on energy efficiency will begin in December.

BCD Update

Andrea Simmons reported that the Division is introducing one bill this session. It will address the Boiler and Elevator programs: requesting a 35% fee increase in the Boiler program to maintain current service levels plus requiring Boiler and Elevator fees to be paid at the front-end of the process rather than after the final inspection.

BCD will also be involved in the Governor's Climate Change legislative program as it relates to achieving Net Zero Emissions and establishing Energy Performance requirements for structures. BCD will need to get spending authority from the Legislature for the E-Permitting program (does not involve any additional fee increases). Simmons also mentioned that DEQ may be submitting a gray water bill to allow DEQ to regulate it when it is off-site.

Discussion and Review of Other Issues

Bill Cross reported that the Board recently conducted a strategic planning session to develop an update to the current three-year plan and identified Sustainability as an important issue for the Association to be involved in – both from a public policy perspective and an educational/information resource standpoint. We should consider becoming more engaged in some of the sustainability/green building discussions and legislation. For example, AIA will be re-introducing the High performance Buildings legislation again this session and we may want to consider actively supporting it. He will forward the bill draft to the Committee once we have received it from the AIA lobbyist.

Simmons also mentioned that DEQ may be submitting a gray water bill to allow DEQ to regulate it when it is off-site.

The Committee discussed the Manufactured Housing Sprinkler Systems proposal prepared by the Oregon Manufacturing Housing Association. BCD would like to see a common standard for sprinkler systems for both stick-built and manufactured houses. The State isn't pre-empted from requiring a higher standard than the HUD standards with respect to fire sprinkler systems. It was decided that we should forward the specific comments from several of the members regarding

the proposed language to OMHA but that the Committee should not take a formal position because the federal government needs to weigh in on the standards.

The Committee reviewed a radon mitigation legislative proposal. Questions were raised about whether it was directed at radon in the soil and/or building materials (such as granite), who the sponsor is and what the intent is. Bill Cross will try to get more information on the bill.

The Committee discussed an issue regarding the 12% surcharge that the state is collecting on all building permits. Based on statute and administrative rule references, there is a question as to whether surcharges should be collected on investigation fees (double permit fees charged when construction has started prior to obtaining a permit), special requested inspections or evaluation inspections requested by a governmental agency under ORS 190, additional inspection fees or hourly fees or fees charged to activate an expired permit. Stuart Ramsing will contact BCD's Clint Fella to discuss some of the questionable fees that BCD considers "permit" fees.

Measure 63

The Committee reviewed the results of the general election vote on the measure. While we may have won this battle, we need to figure out other ways to wage the war. Obviously continuing to provide and improve customer service is one important strategy. There was discussion on changing the terminology of "permit" fee to "safety inspection permit" fee. However, it was pointed out that the permit is synonymous with "permission to start construction." Another possibility is to eliminate the permit requirements for some of the minor label installations that have no safety risks.

BCD is developing a rule amendment to allow minor labels for certain residential mechanical installations and has requested input on the type of installations that could be included in this program. We should talk to the plumbing and electrical industry about reducing the types of permits because clearly some are hard to justify with respect to safety and the industry shouldn't want to risk another Measure 63.

New Business

There was no new business.

Next Meeting

No meeting date was set. A survey will be done to identify a regular monthly meeting date for the 2009 session.

The meeting was adjourned at 2:08 p.m.

Respectfully submitted,
Bill Cross
Co-Chair