



November 16, 2009

**Housekeeping reference changes from
House Bill 2950 (2009)**

Opportunity for public input:

Those who would like to provide testimony may submit written comments to the contact below. The last day to submit written comments is 5:00 p.m. December 21, 2009.

Purpose of the rule:

These proposed rules make necessary housekeeping changes as a result of the passage of House Bill 2950 (2009). These changes update references within the rules regarding the division's seven advisory boards, and update the division's Interested Parties mailing lists. The rules also contain some non-substantive housekeeping changes that provide clarity and consistency among the division's rules.

These proposed permanent rules would become effective January 1, 2010.

Citation:

Amend: OAR 918-001-0210, 918-005-0010, & 918-040-0000

History:

House Bill 2950 (2009) was sponsored by the House Committee on Business and Labor. This bill merges two of the division's advisory boards – the Manufactured Structures and Parks Advisory Board and the Residential Structures Board – into the Residential and Manufactured Structures Board, and establishes the Construction Industry Energy Board.

Contact:

If you have questions or need further information, please contact Division Rules Coordinator Shauna Parker at 503-373-7438 or Shauna.M.Parker@state.or.us .



Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918	
Agency and Division	Administrative Rules Chapter Number	
Shauna M. Parker	PO Box 14470, Salem, OR 97309	(503) 373-7438
Rules Coordinator	Address	Telephone

RULE CAPTION

Makes administrative changes to the division's rules as a result of HB 2950 (2009)

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing
ADOPT:

AMEND: 918-001-0210, 918-005-0010, & 918-040-0000

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 183.335 & 455.110

Other Auth.: 2009 Oregon Laws, Chapter 567 (HB 2950)

Stats. Implemented: ORS 183.335, 455.110, 455.144, 480.540, & 693.125

RULE SUMMARY

The proposed rules are necessary housekeeping changes to the division's rules as a result of the passage of House Bill 2950 during the 2009 legislative session. The rules update references to the division's seven statutory boards and makes changes to the division's mailing list rule, which is required by ORS 183.335(8). The rules also include some non-substantive housekeeping changes that provide clarity and consistency among the division's rules.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Monday, December 21, 2009 by 5:00 p.m.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Patrick Allen		
Signature	Printed name	Date

*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

ARC 923-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Makes administrative changes to the division's rules as a result of HB 2950 (2009)

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Amending 918-001-0210, 918-005-0010, and 918-040-0000.

Statutory Authority: ORS 183.335 & 455.110

Other Authority: 2009 Oregon Laws, Chapter 567 (HB 2950)

Stats. Implemented: ORS 183.335, 455.110, 455.144, 480.540, & 693.125

Need for the Rule(s): House Bill 2950, adopted during the 2009 legislative session, makes changes to the division's statutory boards. The bill establishes the Construction Industry Energy Board and abolishes the Manufactured Structures and Parks Advisory Board and Residential Structures Board transferring their duties to a newly established Residential and Manufactured Structures Board. Because of these changes, the rules that reference these respective boards need to be updated to reflect the changes. These proposed rules make the necessary administrative updates to the division's rules.

Documents Relied Upon, and where they are available: House Bill 2950 (2009) and draft rules are available from the division's rules coordinator at 1535 Edgewater Street NW, Salem, OR 97304 and are posted on the division's Web site at www.bcd.oregon.gov.

Fiscal and Economic Impact:

The division has determined these proposed rule changes will not have a fiscal or economic impact on state agencies, units of local government, members of the public, or small businesses. The changes to the rules are purely administrative "housekeeping" clarifications resulting from House Bill 2950, which was passed during the 2009 legislative session.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There should be no cost of compliance impact on state agencies, local government, or the public because the changes are non-substantive housekeeping and clarification amendments.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: The division has determined these proposed rule changes will not have a fiscal or economic impact on small businesses because the changes are non-substantive housekeeping and clarification amendments.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Because the division has determined there is no impact to small businesses as a result of the proposed rules, no additional reporting, recordkeeping, administrative, or professional services are required.

c. Equipment, supplies, labor and increased administration required for compliance:

Because the division has determined there is no impact to small businesses as a result of the proposed rules, no additional equipment, supplies, labor, or increased administration are required.

How were small businesses involved in the development of this rule? Because the changes are non-substantive housekeeping clarifications to the division's administrative rules resulting from statutory changes made by House Bill 2950, small businesses were not involved in the development of these rules because they are not impacted by the changes.

Administrative Rule Advisory Committee consulted?: No

If not, why?: These rules do not substantially change the Building Code Division's policies.

Patrick Allen

Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

HB 2950 Housekeeping Rules

Draft: 10/28/09

918-001-0210

Division Mailing Lists

(1) ~~Scope, Authority and Applicability:~~

(a) This rule governs procedures for placement on ~~and remaining on~~ the various mailing lists maintained by the division and boards.;

(b) The procedures in this rule are created under ORS 183.335(8) and the general rulemaking authority of the ~~administrator~~ **director** in ORS 455.030 and 455.100.

(2) Creation of Interested ~~Persons~~ **Parties** Mailing Lists for Board Activities. Mailing lists are created for interested persons **and organizations** who want to receive notices and agendas of board meetings for the following:

(a) Electrical and Elevator Board;

(b) Building Codes Structures Board;

(c) **Residential and** Manufactured Structures ~~and Parks Advisory~~ Board;

(d) **Oregon State** Plumbing Board;

(e) Board of Boiler Rules.;

(f) Mechanical Board; and

(g) Construction Industry Energy Board.

(3) Creation of Interested ~~Persons~~ **Parties** Mailing Lists for Rulemaking. Mailing lists are created for interested persons **and organizations** wanting **to receive** notices of **the division's** rulemaking **activities. The mailing lists are divided into the following program areas:**

(a) Electrical List. This list covers rulemaking activities of the Electrical and Elevator Board **and Construction Industry Energy Board, where applicable,** relating to electrical matters, **including the Electrical Safety Law, the Oregon Electrical Specialty Code, and the electrical provisions of the Oregon Residential Specialty Code.**

(A) ~~Persons referenced in OAR chapter 918, division 251, b~~ Building officials and members of the board are automatically on this list.;

(B) All municipalities with authority to administer **the** building codes are ~~additionally~~ served notice when the rulemaking involves **the** adoption or amendment of **the** codes.

(C) Interested parties requesting placement on this list per section (2) of this rule will also be served notice.

(b) Elevator List. This list covers the rulemaking activities of the Electrical and Elevator Board relating to elevators and the Oregon Elevator Specialty Code.

(A) Building officials and members of the board are automatically on this list.

(B) All municipalities with authority to administer the building code are served notice when the rulemaking involves the adoption or amendment of the code.

(C) Interested parties requesting placement on this list per section (2) of this rule will also be served notice.

~~(bc) **Commercial Structures** Structural and Mechanical List. This list covers rulemaking activities of the Building Codes Structures Board **and the Construction Industry Energy Board, where applicable,** relating to **commercial structures and the Oregon** Structural Specialty Code, ~~One and Two Family Dwelling Specialty Code, Mechanical Specialty Code, and prefabricated structures rules.~~~~

~~(A) Persons referenced in OAR chapter 918, divisions 440, and 460, **B**uilding officials, and members of the board are automatically on this list.~~

~~(B) All municipalities with authority to administer **the** building codes are ~~additionally~~ served notice when the rulemaking involves **the** adoption or amendment of **the** codes.~~

~~(C) All persons entitled to notice on the electrical and plumbing lists are also served when One and Two Family Dwelling Specialty Code rules are involved.~~

(C) Interested parties requesting placement on this list per section (2) of this rule will also be served notice.

(d) Mechanical List. This list covers the rulemaking activities of the Mechanical Board relating to mechanical matters and the Oregon Mechanical Specialty Code.

(A) Building officials and members of the board are automatically on this list.

(B) All municipalities with authority to administer the building code are served notice when rulemaking involves the adoption or amendment of the code.

(C) Interested parties requesting placement on this list per section (2) of this rule will also be served notice.

(e) Residential Structures List. This list covers rulemaking activities of the Residential and Manufactured Structures Board and the Construction Industry Energy Board, where applicable, relating to residential structures and the Oregon Residential Specialty Code.

(A) Building officials and members of the boards are automatically on this list.

(B) All municipalities with authority to administer the building code are served notice when rulemaking involves the adoption or amendment of the code.

(C) All persons entitled to notice on the electrical and plumbing lists are also served when Oregon Residential Specialty Code rules are involved.

(D) Interested parties requesting placement on this list per section (2) of this rule will also be served notice.

(ef) Manufactured Structures and Parks List. This list covers the rulemaking activities of the **Residential and Manufactured Structures and Parks Advisory Board and the Construction Industry Energy Board, where applicable,** relating to manufactured dwellings, recreational vehicles, manufactured dwelling parks, recreation parks, organizational camps, and picnic parks.;

(A) Building officials and members of the board are automatically on this list.;

(B) All municipalities with authority to administer **the** building codes are additionally served notice when the rulemaking involves **the** adoption or amendment of the codes.

(C) Interested parties requesting placement on this list per section (2) of this rule will also be served notice.

~~(d) Amusement Ride and Device List. This list includes amusement device and amusement ride owners and amusement parks. All municipalities with authority to administer building codes are additionally served notice when the rulemaking involves adoption or amendment of the code;~~

(eg) Plumbing List. This list covers rulemaking activities of the **Oregon State Plumbing Board** relating to plumbing activities, **including the Oregon Plumbing Specialty Code and the plumbing provisions of the Oregon Residential Specialty Code.**;

(A) ~~Persons referenced in OAR chapter 918, division 750, b~~ Building officials and members of the board are automatically on this list.;

(B) All municipalities with authority to administer **the** building codes are additionally served notice when the rulemaking involves **the** adoption or amendment of **the** codes.

(C) Interested parties requesting placement on this list per section (2) of this rule will also be served notice.

~~(f) Elevator List. This list covers rulemaking activities of the Electrical and Elevator Board relating to elevator matters:~~

~~(A) Persons referenced in OAR chapter 918, division 400, building officials, and members of the board are automatically on this list;~~

~~(B) All municipalities with authority to administer building codes are additionally served notice when the rulemaking involves adoption or amendment of codes.~~

(gh) Boiler List. This list covers rulemaking activities of the Board of Boiler Rules relating to boiler and pressure vessel activities **and the Oregon Boiler Specialty Code.**;

(A) ~~Persons referenced in OAR chapter 918, division 225, b~~ Building officials and members of the board are automatically on this list;

(B) All municipalities with authority to administer the building codes are additionally served notice when the rulemaking involves the adoption or amendment of the codes.

(C) Interested parties requesting placement on this list per section (2) of this rule will also be served notice.

(i) Amusement Ride and Device List. This list includes amusement device and ride owners and amusement parks.

(A) All municipalities with authority to administer the building code are served notice when rulemaking involves the adoption or amendment of the code.

(B) Interested parties requesting placement on this list per section (2) of this rule will also be served notice.

(j) General Rulemaking List. This list covers the rulemaking activities of the division that are not specific to a code or program.

(A) Building officials are automatically on this list.

(B) All municipalities with authority to administer the building code are also on this list.

(C) Interested parties requesting placement on this list per section (2) of this rule will also be served notice.

~~(h)~~ **k** Illegal Drug Manufacturing Site List. Persons referenced in OAR chapter 918, division 010 are automatically on this list.

(2) Mailing List Subscription. The division will add a person or organization to its interested parties mailing lists if the person or organization:

(a) Subscribes to the division's online e-mail notification system through the division's Web site at www.bcd.oregon.gov; or

(b) Requests in writing to receive notification materials by mail. The request must include the full name of the person or organization, a mailing address, and must indicate the board or rulemaking program mailing list the interested party would like to subscribe to.

(3) The division will send notices to those on the e-mail notification list described in (2)(a) of this rule and mail paper copies to those on the hard-copy notification list described in (2)(b) of this rule. These notification materials are also available on the division's Web site at www.bcd.oregon.gov.

~~(4) Mailing List Subscription. Individuals not automatically served according to these rules may apply on a division form and pay a non-prorated annual fee for each list. Mailing lists will be revised March 1 each year. A person may subscribe at any time.~~

~~(5) Mailing List Subscription Renewal. One annual billing will be sent. Those not requesting renewal will be removed at the end of February.~~

~~(6) Nonprofit Organizations. Nonprofit organizations may be placed on any mailing list without charge, if the organization agrees to distribute notices it receives to ten or more of its members.~~

~~(7) Charges. The annual charge to be placed on the mailing list is \$35, except a person requesting complete board packets shall be charged an additional \$35 per board, all payable in advance of March 1.~~

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 455.110

Stats. Implemented: ORS 183.335

Hist.: BCA 23-1992, f. 12-24-92, cert. ef. 1-1-93; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98; BCD 18-2004, f. 9-30-04, cert. ef. 10-1-04

DIVISION 5

AGENCY DIVISION ORGANIZATION

918-005-0010

Division Organization

(1) The Building Codes Division coordinates the activities of and has general supervision over ~~five~~ **seven** advisory, licensing and regulatory boards, as follows:

- (a) Board of Boiler Rules, established pursuant to **under** ORS 480.535;
- (b) Electrical and Elevator Board, established pursuant to **under** ORS 455.138;
- (c) **Residential and** Manufactured Structures and Parks Advisory Board, established pursuant to **under** ORS 446.280 **ORS 455.135**;
- (d) **State** Plumbing Board, established pursuant to **under** ORS 693.115; and
- (e) Building Codes Structures Board, established pursuant to **under** ORS 455.132.;
- (f) Mechanical Board, established under ORS 455.140; and**
- (g) Construction Industry Energy Board, established under chapter 567, 2009 Oregon**

Laws.

(2)(a) Appointing authority for ~~four~~ the six boards listed in subsections (1)(a) through (f) of this rule rests with the Governor, and requires Senate confirmation. ~~Appointing authority for the other one rests with the Director of the Department of Consumer and Business Services.~~

(b) Membership for the Construction Industry Energy Board includes two members selected by the Electrical and Elevator Board, two members selected by the Residential and Manufactured Structures Board, two members selected by the Building Codes Structures Board, and one member appointed by the director of the Oregon Department of Energy.

(3) The division is located at 1535 Edgewater N.W., Salem, OR 97304.

Stat. Auth.: ORS 455.110

Stats. Implemented: ORS 455.110

Hist.: BCA 22-1989, f. 7-19-89, cert. ef. 8-1-89; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98

DIVISION 40

BOARD MEETINGS AND ADMINISTRATION

918-040-0000

Purpose and Scope

The rules in OAR chapter 918, division 040 establish consistent protocols for the administration of activities carried out by the boards covered by these rules. These rules apply to the Electrical and Elevator Board, the Building Codes Structures Board, the Mechanical Board, the Residential and Manufactured Structures Board, the Board of Boiler Rules, the Oregon State Plumbing Board, and the ~~Manufactured Structures and Parks Advisory Board~~ Construction Industry Energy Board.

Stat. Auth: ORS 183.335

Stats. Implemented: ORS 455.144, 480.540, 693.125, & Chapter 567, 2009 Oregon Laws

Hist.: BCD 14-2006, f. & cert. ef. 12-29-06