

Joint Committee on Ways and Means

Carrier – House: Rep. Read  
Carrier – Senate: Sen. Hansell

**Revenue:** No revenue impact

**Fiscal:** Fiscal statement issued

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**Action:** Do Pass the A-Engrossed Measure

**Vote:** 24 – 2 – 0

House

Yeas: Buckley, Frederick, Freeman, Hanna, Huffman, Jenson, Komp, McLane, Nathanson, Richardson, Smith, Tomei, Williamson

Nays:

Exc: Barker, Read

Senate

Yeas: Bates, Devlin, Edwards, Girod, Hansell, Johnson, Monroe, Steiner Hayward, Thomsen, Whitsett, Winters

Nays:

Exc:

**Prepared By:** Susie Jordan, Legislative Fiscal Office

**Meeting Date:** June 6, 2013

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**WHAT THE MEASURE DOES:** Allows DCBS, at request of affected municipalities, to enter into agreement, combine resources, and share fee revenue with local government for DCBS to assist local government to administer and enforce all or part of building inspection program for specified period or project. Directs Department of Consumer and Business Services (Department) to adopt rule that Department will charge same fees and hourly rate for services that were charged by county before assumption of services by Department if Department assumes administration and enforcement of county manufactured dwelling services, building inspection program or part of building inspection program when county abandons or is unable to administer programs due to budget constraints resulting from reduced or eliminated federal timber payments. Authorizes Director to take action necessary to ensure efficient and responsive state building code system, including utilizing and hiring municipal or Department personnel and expending resources for purposes of carrying out administrative and enforcement duties according to agreement. Provides for use of moneys from surcharges to pay costs of administration or enforcement as provided by agreement. Allows Department to charge fee adopted by municipality when Department assumes administration and enforcement of a building inspection program surrendered or abandoned by municipality. The measure excludes fees from approval by the Department of Administrative Services. Subjects hourly or permit fees to surcharges at percentage rates authorized under ORS 455.120 and 455.220. Authorizes Department Director to use departmental employees to administer and enforce building program or, subject to certain requirements, hire building inspectors terminated by county.

Requires the Director of Department of Consumer Business Services to give special consideration to needs of rural and remote regions when adopting state building code. Clarifies that the building official determines if structure meets building code standards, regarding fire and life safety with consideration for advice provided by State Fire Marshall or fire official. Authorizes DCBS employee to provide plans and specifications for structures exempt from engineering and architect statutes and metal or wood frame Use and Occupancy Classification Group U structures. Authorizes building official or inspector to provide plans and specifications for exempt structures. Requires Department to consult with advisory boards at least annually and report annually to Legislative Assembly regarding Department activities and any projected need for increased resources. Allows applicant to appeal in writing to DCBS and then to appeal for judicial review, matters regarding administration and enforcement of ORS Chapter 455. Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

- Challenges to provide services in rural and remote parts of the state
- Role of state and local building code programs
- Partnership agreements as a means to combine and leverage resources
- DCBS fiscal impact indeterminate

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** The Building Codes Division (BCD) of the Department of Consumer and Business Services provides code development, administration, inspection, plan review, licensing, and permit services to the construction industry. Staff located in five regions around the state partner with other state and local government entities to help facilitate local construction projects, and assist local governments with other services such as e-permitting, best practices, and dispute resolution. Local programs are required to submit a report every four years and apply for renewal every four years. When a local provider chooses or is unable to execute plan review or permit services, the BCD provides these services.

A Group U building includes agricultural buildings, aircraft hangars, barns, carports, fences more than 6 feet high, grain silos, greenhouses, livestock shelters, private garages, retaining walls, sheds, stables, tanks, and towers.