



MEMORANDUM

Prepared for: Oregon State Senate
Date: October 27, 2021
By: Leslie Porter, Analyst
Re: Legislative Review of Executive Appointments

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

RESIDENTIAL AND MANUFACTURED STRUCTURES BOARD

The Governor has appointed the following individual to the Residential and Manufactured Structures Board subject to Senate confirmation.¹

Appointee

Forrest Barnes of Albany; Reappointment

Term

July 1, 2021 – June 30, 2025

Appointment/Confirmation Authority

[ORS 455.135 \(2019\)](#)

Statement of Economic Interest²

Not required.

Statutory Requirements³

The board consist of 11 members appointed by the Governor and subject to confirmation by the Senate.⁴ The board must consist of:

- one contractor specializing in the construction of residential structures (FRY);
- one contractor specializing in the remodeling of residential structures (LETHIN);
- one contractor specializing in building multifamily housing three stories or less above grade (CHMELIR);
- one home designer or architect (ANSLOW);
- one building official (TAMERHOULET);
- one representative of residential building trade subcontractors (TOVAR);
- one structural engineer (HALOG);
- one representative of a utility or energy supplier (VOLEM);
- one manufacturer of manufactured dwellings (AUSTIN);
- one seller or distributor of new manufactured dwellings (**BARNES**); and

¹ [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2019\)](#) and [171.565 \(2019\)](#).

² [ORS 244.050 \(2019\)](#).

³ [ORS 182.100 \(2019\)](#) for affirmative action policy and [ORS 236.115 \(2019\)](#) for diversity criteria.

⁴ [ORS 455.135 \(2019\)](#).

- one public member who does not receive compensation from any interest represented on the board (KEMPER).

Members serve four-year terms and are not eligible for appointment to more than two full terms in office.⁵ Members serve at the pleasure of the Governor, and the Governor may remove a board member for good cause including three unexcused absences during any 12-month period from a regularly scheduled board meeting.

A majority of the members of a board constitutes a quorum for the transaction of business. The board must meet at least twice per year at times and places specified by the Director of the Department of Consumer and Business Services after consultation with the board, or at times and places specified by the call of a majority of the members of the board after consultation with the director.⁶

Duties and Authority

The board helps the Director of the Department of Consumer and Business Services administer the low-rise residential dwelling program and Small Home Specialty Code.⁷ The board must:⁸

- before the director notices rulemaking for the adoption, amendment, or repeal of the Residential Specialty Code, Small Home Specialty Code, Manufactured Dwelling Installation Specialty Code, or Manufactured Dwelling and Parks Specialty Code, find that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources;
- review and report to the director recommendations for amendments to the Residential Specialty Code, Small Home Specialty Code, Manufactured Dwelling Installation Specialty Code, and Manufactured Dwelling and Parks Specialty Code;
- approve technical and scientific facts related to proposed material, design, or method of construction;
- approve alternative regulatory options for emerging technologies;
- receive and adjudicate appeals of suspected code violations, building official decisions, and municipal appeals board decisions;
- approve the adoption and amendment of the Residential Specialty Code, Small Home Specialty Code, Manufactured Dwelling Installation Specialty Code, and Manufactured Dwelling and Parks Specialty Code;
- approve the adoption of rules the director considers necessary to interpret, harmonize, streamline, adjust, promote consistency within, reduce confusion regarding, administer, or enforce the state building code;
- with the Building Codes Structures Board, adopt design and construction standards for mitigating radon levels in new residential buildings;

⁵ [ORS 455.144 \(2019\)](#).

⁶ [ORS 455.146 \(2019\)](#).

⁷ Department of Consumer and Business Services, *Residential and Manufactured Structures Board*, <https://www.oregon.gov/bcd/boards/Pages/rmsb.aspx> (last visited July 31, 2020), [ORS 455.135 \(2019\)](#).

⁸ [ORS 455.030 to 455.732 \(2019\)](#).

- adopt by rule standards for determining whether the installation of a single electrical meter for all dwelling units in a multifamily residential building facilitates an overall reduction in electrical consumption by such units;
- consult with the director regarding alternative permit and inspection programs, including a statewide permitting and inspection program for minor construction work;
- select two members to serve on the Construction Industry Energy Board;
- consult with the director on the adoption of uniform energy conservation standards and the Reach Code; and
- advise the director on standards, qualifications, and training for building officials and inspectors.

The board may:⁹

- apply for and receive moneys from any person, from the federal government, from this state, or from any state agency or department;
- contract with any public agency for the performance of services or the exchange of employees or services by one to the other necessary in carrying out the purposes of the state's energy conservation standards; and
- impose civil penalties for violations of the Residential Specialty Code, Small Home Specialty Code, Manufactured Dwelling Installation Specialty Code, or Manufactured Dwelling and Parks Specialty Code.

⁹ [ORS 455.530 to 455.895 \(2019\)](#).

Executive Appointments Board Roster

Residential and Manufactured Structures Board

Agency: None
Authorization: ORS 455.135
Members: Min: 11 Max: 11
Term Length: 4 years Limit: 2
Senate confirmation required? Yes

Policy Area: Labor/Trades

Board Contact:
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Salem, OR 97309-0404
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Current Appointments:

Member Name and Address (Alphabetical)

Gordon M Anslow Home Designer Term(s): 06-01-2020 - 05-31-2024 06-01-2016 - 05-31-2020	Position Number: 4
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Jim Austin Manufacturer Term(s): 11-25-2019 - 06-30-2023	Position Number: 10
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Forrest Barnes Dealer Term(s): 07-01-2021 - 06-30-2025 11-17-2017 - 06-30-2021	Position Number: 11
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John D Chmelir Multi-family Contractor Term(s): 07-01-2015 - 06-30-2019 12-01-2011 - 06-30-2015	Position Number: 3
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Rich Fry Residential Structure Contractor Term(s): 09-23-2019 - 06-30-2023	Position Number: 1
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Tonya K Halog Structural Engineer Term(s): 07-01-2015 - 06-30-2019 10-01-2011 - 06-30-2015	Position Number: 7
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Emily R Kemper Public Member Term(s): 07-01-2015 - 06-30-2019 12-01-2011 - 06-30-2015	Position Number: 9
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Executive Appointments Board Roster

Residential and Manufactured Structures Board

Member Name and Address (Alphabetical)

Policy Area: Labor/Trades

Douglas T Lethin Remodeler Contractor Term(s): 07-01-2019 - 06-30-2023 07-02-2009 - 07-01-2013 11-01-2005 - 07-01-2009	Position Number: 2
Rebai Tamerhoulet City Building Official Term(s): 07-01-2017 - 06-30-2021 07-02-2013 - 07-01-2017	Position Number: 5
Rich Tovar Residential Building Trade Sub-Contractor Term(s): 09-23-2019 - 06-30-2023	Position Number: 6
Eli A Volem Term(s): 07-01-2018 - 06-30-2022	Position Number: 8