

**State of Oregon
Final**

Agenda Item I.D.

Oregon State Plumbing Board

Regular meeting minutes

June 15, 2007

Members present: Ken Carlson, Chairman
Jonathan Gray, Vice-chair
Skai Dancey
Jacob Polvi *(teleconference connection)*
Perry Shinn
Jack Vilendre

Members absent: Dewey Darold

Staff present: Terry Swisher, chief plumbing inspector and board secretary
Andrea Simmons, policy and technical services manager
Homer Humelbaugh, assistant chief plumbing inspector
Casey Hoyer, policy analyst
Phil Johnson, enforcement officer
Heath Lawson, enforcement officer
Pat Allen, interim deputy administrator
Debi Barnes-Woods, boards coordinator

Guests present: Terry Cracolice, BOLI/ATD
Burton Weast, UA Local 290

I. Board business

A. Call to order

Chairman Ken Carlson called the Oregon State Plumbing Board meeting to order at 9:30 a.m. The meeting was held at Building Codes Division, Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Chairman Carlson, Vice-chair Jonathan Gray, Skai Dancey, Perry Shinn, and Jack Vilendre were present in Conference Room A. Jacob Polvi was connected by telephone.

C. Approval of agenda and order of business

Chairman Carlson **RULED** the agenda and order of business approved.

D. Approval of the April 20, 2007 Oregon State Plumbing Board meeting minutes

Chairman Carlson **RULED** the regular minutes of April 20, 2007 approved.

- E. Date of the next regularly scheduled meeting**
August 17, 2007

II. Public comment

No public comment requests

III. Reports

A. Building Codes Division administrator's report:

Personnel changes: Andrea Simmons, policy and technical services manager, introduced Pat Allen who will be working as the division's interim deputy administrator for a six-month period. Joan Fraser, the division's current deputy administrator accepted a position at OR-OSHA and will be leaving the division at the end of June. Ms. Simmons also advised the board that Martin Pittioni, manager of enforcement and licensing, left the division. Twyla Knowles will be working in Mr. Pittioni's vacant position in the interim. Robert Salinas has been hired to fill the assistant manager position in the enforcement and licensing section.

Licensing Renewal Updates: Journeyman plumber renewals have been completed successfully. Approximately 40 percent of licensees renewed their license online. The division is in the process of renewing boiler licenses and approximately 30 percent have renewed online thus far.

- B. Legislative updates:** Ms. Simmons discussed the construction industry bill-tracking handout. The legislature intends to complete its work by the end of the month. The division believes that they will meet their goal and end session on schedule.

HB 2219, the licensing consistency bill, passed and has been signed by the governor. This bill fixes the inconsistencies in the division's licenses, such as fee terminology. This bill also deals with the statutory requirement for a plumbing practical exam. The bill removes the practical portion from the statute, which allows the board to eliminate that portion of the exam. This bill also changes the continuing education requirements for boiler licenses, giving the boiler board the authority to set these requirements. The division will be working with the various boards on any program-specific matters and will also work on any necessary changes to current rules.

SB 192 passed and has been signed by the governor. This bill provides additional enforcement tools for the division. The bill allows the division to review compliance actions by licensing agencies within the state or other states, and take that into consideration when deciding whether to issue, renew, suspend or revoke an Oregon license.

SB 193 models a bill from last session in the elevator program. This bill clarifies the difference between installation and operating permits in the boiler program. The current statute refers to “permits” without clarifying which permit is being addressed. This bill also gives the boiler board flexibility to determine the frequency required for inspections. SB193 creates a process allowing the division to work with the boiler board to determine which boilers and pressure vessels the division’s boiler program will regulate and those to be inspected and permitted by local jurisdictions. This provision would be set out in rule rather than statute. The bill also requires insurance companies to inspect boilers they insure.

HB 2405 allows the department to establish a program to provide access to the full range of building department services for any location in the state, through a one-stop ePermitting Web site. The system will allow customers to apply, pay, and receive permits online, submit plans electronically for review and tracking, schedule, track, and receive inspection reports electronically, and coordinate the sharing of information and data with jurisdictions’ permitting systems. The program will be funded through a surcharge on building permits, and will be implemented over a ten-year period. HB 2405 builds upon a pilot program established by the 2003 legislature (SB 713) and extended in 2005 (HB 3097). The division currently has a portal system (Quick Permits) allowing the purchase of simple over the counter permits online, 24 hours a day. Currently, there are about 18 jurisdictions utilizing Quick Permits.

HB 2654 has a provision that requires all Construction Contractors Board (CCB) licensees to obtain continuing education (CE). The CCB is allowed to adopt rules for the continuing education requirements and the elements of CE may include training in construction means and methods, compliance with the state building code and business practices.

This bill has an implementation date of 2010. This new continuing education is in addition to the current continuing education required by licensing boards of the Building Codes Division.

HB 2656, which is still in the ways and means committee, would require contractors for building envelopes to have at least one certified person on staff who substantially observes the work. The building envelope includes the installation of roofing, siding, doors, and windows.

HB 2478, the program assumption and standardization of inspections bill passed and has been signed by the Governor. The bill does the following: (1) Places a moratorium on new jurisdictions from assuming an inspection program. Currently, there are 132 jurisdictions, which have all or part of a building inspection program. This means no new program assumptions can be requested or

processed by the division until 2010. The moratorium would stop assumptions of a building inspection program by a municipality unless the municipality already administers a partial building inspection program or the municipality is assuming the program from the state rather than a county. (2) Requires local jurisdictions to verify licensure at the time a permit is issued. (3) Provides the division with the authority to assess a civil penalty up to \$25,000.00 against jurisdictions who violate building code laws. (4) Allows DCBS to establish standard and uniform permit, inspection and certificate of occupancy requirements throughout the state (a recommendation from the Construction Claims Task Force).

HB 3360, exempts instantaneous tankless water heaters from the boiler program.

C. Summary of enforcement actions: Heath Lawson, enforcement officer, discussed the summary report (six cases), which do not require action from the board. The board had no questions.

D. Program update: Terry Swisher, chief plumbing inspector and board secretary, reported that there are currently over 100 apprentices graduating and they will soon apply to take the journeyman plumber examination. Because of the passage of HB 2219, the division expects that this may be the last group to do the plumbing practical exam.

IV. Communications - None

V. Appeals – None

VI. Unfinished business - None

VII. New business

Approve language requesting the Attorney General's advice on plumbing board authority regarding medical gas installations.

Andrea Simmons outlined the board's October 21, 2005 decision regarding an appeal from a decision of the building official of the City of Newberg to allow unlicensed persons to make medical gas installations in its jurisdiction. The division currently follows this October 21 board decision. At the April 20, 2007 board meeting, this medical gas installation issue was raised again, at which time the board asked the division to research various questions relating to these installations and report findings at the June 15, 2007 board meeting. Ms. Simmons informed the board that the division intends to seek the Attorney General's advice on this matter, and desired the board's input and approval of the wording of questions that will be forwarded to the Attorney General.

Chairman Carlson indicated that he was looking for a matrix or flowchart that would define the authority of the plumbing board in general, rather than an opinion from the attorney general. Chairman Carlson expressed his belief that the issue from the April 20 meeting has been resolved and would prefer to meet with BCD staff regarding the board's authority on appeals.

Motion by Chairman Carlson to reject the language in the letter, reject the letter as a whole and not forward to the Attorney General.

Motion carried unanimously

VIII. Announcements

Plumbing Code Review Committee schedule:

Terry Swisher reported that the plumbing code review committee completed their second meeting and made substantial progress. There are a few chapters and appendices to review, but Mr. Swisher anticipates that the committee will complete its review at the June 20, 2007 meeting. The Department of Human Services contract engineer, who assists with medical facility accreditation is expected to attend the June 20 meeting. Submittals were made to the division for the medical gas provisions in Chapter 13 to maintain consistency with the departments accreditation program. This gives the division an opportunity to create some consistency with the Department of Human Services, the Fire Marshal's office, and current 2006 model provisions. At present, these public bodies are relying on different editions of the NFPA 99C standard. Mr. Swisher is also researching the issue of whether recharge systems for fire fighter air supply is plumbing work, which may be regulated under the plumbing code. This may not be plumbing as defined in statute or under the authority of the plumbing board. Mr. Swisher will report on this at the next meeting.

IX. Adjournment

Chairman Ken Carlson adjourned the regular board meeting at 10:45 a.m.

Respectfully submitted by,

Sherry Mitchell
Boards Coordinator