

House Committee on HUD May 23, 1991 - Page

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON HOUSING AND URBAN DEVELOPMENT

May 23, 1991Hearing Room D 8:00 a.m.Tape 100 -

MEMBERS PRESENT:Rep. Bob Repine, Chair Rep. Judy Bauman, Vice-Chair  
Rep. Marie Bell Rep. Rod Johnson Rep. Dave McTeague Rep. Gail Shibley

MEMBERS EXCUSED:Rep. Ron Sunseri

STAFF PRESENT: Janet McComb, Committee Administrator Kimberly  
Burt, Committee Assistant

MEASURES CONSIDERED: SB 309-A (PAW) SB 648-A (PAW) SB  
1032 (PUB) SB 203 (PUB)

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TAPE 100, SIDE A

005 CHAIR REPINE: Calls the hearing to order. (8:00 a.m.)

Roll Call: Representatives Bell, Shibley & Repine answer "present".

PUBLIC HEARING ON SB 203-A Witnesses:Bill Young, Director, Water  
Resources Department Lorna Stickel, Chair, Oregon Water Resources  
Commission Sen. Larry Hill, Senate District 21 David Martin, Plumbing  
Manufactures Institute Susan Schneider, City of Portland Mike  
Rosenburger, Administrator, Portland Water Bureau Tom O'Conner, League  
of Oregon Cities, (LOC)

Staff submits SMS, revenue, fiscal impact statement and informative  
material, (EXHIBIT A).

025 BILL YOUNG, DIRECTOR, WATER RESOURCES DEPARTMENT: Introduces Lorna  
Stickel.

REP. JOHNSON arrives. (8:06 a.m.)

035 LORNA STICKEL, CHAIR, OREGON WATER RESOURCES COMMISSION: Submits  
written testimony, (EXHIBIT B).

YOUNG: Submits outline, informative material and amendments, (EXHIBIT  
C).

125 REP. SHIBLEY: What will the cost impact on construction be?

YOUNG: As with most fixtures there will be a range of prices for the toilet; it looks like there won't be any major difference in cost.

REP. MCTEAGUE arrives. (8:14 a.m.)

REP. JOHNSON: Do any jurisdictions give incentives for or require the installation of urinals?

YOUNG: No; we do have standards set in the bill for urinals.

192 CHAIR REPINE: There is support of your amendments?

YOUNG: The list is of people who have been contacted and do support the bill and the amendments.

REP. SHIBLEY: It looks like there have been performance requirements set?

YOUNG: Building Codes could answer better.

245 SEN. LARRY HILL, SENATE DISTRICT 21: Submits and summarizes written testimony in support of SB 203-B, (EXHIBIT D).

I have seen the amendments and they look fine to me.

Goes over states with mandatory water conservation.

There are numerous manufacturers of these fixtures; prices are comparable to the conventional fixtures.

393 REP. JOHNSON: Is it a smaller tank?

SEN. HILL: It is the slant of the bowl; there is higher velocity.

We referenced the national standards in the bill to protect consumers by meeting the standards.

425 REP. JOHNSON: If velocity is important, why not go back to the tank on the wall?

SEN. HILL: That is the best situation for velocity.

There are provisions for special needs situations like prisons where they need steel fixtures.

460 SEN. HILL: As long as we allow some lead time, availability will not be a problem.

REP. BELL leaves. (8:35 a.m.)

REP. JOHNSON: In the treatment plants themselves, is there difficulty in dealing with a less liquid sewage sludge?

SEN. HILL: The response from those folks was positive.

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050 SEN. HILL: The cities would like less to get rid of.

SEN. HILL: We often overlook municipalities; the cities and urban users should participate in the need to conserve.

I would suggest that the effective date be no later than January of 1993.

085 REP. MCTEAGUE: Has the plumbing industry signed off on the bill?

SEN. HILL: There are representatives in the room; we didn't have direct testimony from the plumbers, but did receive a letter from back East saying that we were on the right track.

There was no opposition on the senate side but the Building Codes Division did think that they could do this without the bill, but this gives assurance and clear legislative intent.

110 CHAIR REPINE: This isn't a mandatory change for existing homes?

SEN. HILL: No.

125 SEN. HILL: I would think carefully about the law requiring conversion.

That would move us forward faster, saving more water sooner, but you would probably run into that old "buzz saw of big brother coming down on our heads too strong".

In the woodstove bill, which I worked on in my first term, in 1983, I negotiated a subcommittee which came up with language on conversions of energy efficient and lower smoke woodstoves, or new stoves.

The conclusion that the committee came to is that forcing people to tear out their old stoves within a date certain is too draconian and may even result in a referendum of the bill and people wouldn't stand for it.

136 SEN. HILL: An incremental approach would get us there slower, and was a little less desirable in terms of protecting air quality, but the old stoves will gradually be phased out and as people learn of the advantages of the new stoves, in part because of energy efficiency, they would phase them in, making a choice in the market place.

Plus, low income people could always buy a used wood stove, finding an affordable used, polluting wood stove as the new ones that are non-polluting are very expensive; eventually the new non-polluting stoves make it to the second hand market and then low income people can afford those too.

We used an incremental approach to achieve many clean burning wood stoves and that is what this is too; it is an incremental approach in terms of the installed base of fixtures, faucets and toilets.

150 SEN. HILL: I think that the people of Oregon will find this acceptable; if the committee chooses something more ambitious, I would be open to discussing that with the committee, exploring that with you.

178 REP. MCTEAGUE: Did your committee look at the issue of outdoor home uses of water, such as watering lawns and swimming pools?

SEN. HILL: We didn't consider that as this bill deals with building codes.

205 DAVID MARTIN, PLUMBING MANUFACTURES INSTITUTE: It is important to recognize that the plumbing industry has had a long standing commitment to water conservation.

The overall concern in the bill is with the flow rates and flush volumes; our major concern is that performance requirements adopted by Oregon reflect the requirements of the American National Standards Institute.

The effective date should reflect availability.

250 MARTIN: I have seen the amendments.

In section 2, line 5 and 10, the terminology "fixtures" is used and we would recommend the word "fittings" be inserted after the word "new" and after "such" in line 10.

REP. BAUMAN arrives. (8:50 a.m.)

265 MARTIN: We don't oppose the flush volumes; by the end of this year all manufacturers indicate that there will be 1.6 gallon commodes available.

Line 12 of section 2 again we have no concern with.

Line 13; the shower head size raises the concern of thermal shock.

280 MARTIN: Describes thermal shock; we have done testing and have had instances where the temperature has gone above 130 degrees.

REP. JOHNSON: Low volume shower heads increase the incidence of thermal shock?

MARTIN: If you lower the rate to 2.5 you will get an increase in temperature; the industry agrees that anything under 2.5 is unsafe.

340 REP. JOHNSON: What is the experience over the year and one half since 2.5 has been allowed?

MARTIN: Hotels have problems often; there is going to be a higher incidence if you lower the rate.

REP. JOHNSON: What are the solutions?

MARTIN: There are a variety of solutions; balancing devise and thermostatic mixing valves that regulate temperature fluctuation.

There are anti-scald devises and there are other elements on the market.

We are adopting a policy recommendation this summer that the flow be left at 3.0.

390 REP. BAUMAN: Did you appear when the bill was in the Senate?

MARTIN: No, but I did share our views with the committee as well as the Building Codes Agency.

On line 14 the flow rate is one of two major concerns; there are very few lavaratory faucets on the market with that flow rate.

We recommend a flow rate of 2.5 per minute.

440 MARTIN: We are concerned that there are no water pressures mentioned.

It would be our recommendation that the water pressure be 80 psi.

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MARTIN: 3 products were omitted from the bill; aerators should be inserted on line 14 after "faucets"; commercial or institutional faucets and non-metering faucets and we recommend that the bill be amended to include those products.

040 MARTIN: We support the July 1, 1993 effective date recommended; in terms of inventory control, would there be a "drop dead date" for products that aren't sold?

CHAIR REPINE: If we adopt a time certain philosophy the potential of dumping products from other states becomes a concern.

We need a transitional time so suppliers aren't caught with products and aren't looking for avenues of "dumping" products.

065 MARTIN: One state decided that the old fixtures couldn't be sold after 90 days after the effective date.

There is enough lead time here to not have that problem.

REP. SHIBLEY: 2.0 flow rate isn't an achievable standard for faucets?

MARTIN: 3.0 is the standard now; the issue in terms of product availability is that very few companies make them.

REP. SHIBLEY: Other states have adopted 2.0 standards.

MARTIN: California adopted 2.2 gallons per minutes with 60 pounds of pressure which is comparable to 2.5 with 80 pounds.

The shower head flow rate is also incorrect, that will be 2.5 gallons per minute at 80 PSI in January of 1992.

The water closet and urinal flush volume is correct.

145 MARTIN: Our recommendation for shower heads would be 3.080 at the present time, but I think that the industry would be comfortable going to 2.5 at 80 PSI if the thermal shock question was resolved.

183 GARY WICKS, ADMINISTRATOR, BUILDING CODES AGENCY: The change in the date to July 1, 1993 was arrived at by taking this bill as an opportunity to implement the kinds of conservation measures indicated.

There are some questions about numbers in the bill that the amendments help; the advantage of the July 1, 1993 date is that we could come back to the legislature and address any problems.

Our intention is to give these numbers the opportunity to work, taking

care of the inventory process and then coming back if we need to.

215 CHAIR REPINE: Your concern is that you want the availability of the next legislative assembly to modify the process if necessary?

WICKS: We do support the movement in the direction of conservation and we want to make this work and the date change will help.

242 SUSAN SCHNEIDER, CITY OF PORTLAND: Testifies in support of SB 203 and amendments; submits informative material, (EXHIBIT E).

250 MIKE ROSENBURGER, ADMINISTRATOR, PORTLAND WATER BUREAU: Reads written testimony in support of SB 203, see (Exhibit E).

340 ROSENBURGER: The balance of my written testimony covers informative material and rather than go through that in detail, I will summarize that.

We expect that these kinds of standards will reduce indoor water use between 40 and 60 percent.

The research indicates that these fixtures are effective, proven and available.

375 TOM O'CONNOR, LEAGUE OF OREGON CITIES: The LOC supports the passage of SB 203 ; we believe this is a cost effective way for our citizens to help meet their future water needs.

The amendments address many issues brought before you earlier, such as moving the lavatory facets from 2.0 to 2.5 and pushing the effective date back to 1993.

We took this legislation to the Associated Oregon Sewage Agency and they are also in support of the bill and there are no technical problems they brought up.

462 REP. SHIBLEY: What is Portland's water supply?

ROSENBURGER: Virtually all the water comes from the Bull Run; occasionally we employ the ground water well field to meet either drought conditions or water quality turbidity issues.

PUBLIC HEARING ON SB 1032 Witnesses: John Gervais, National Electrical Contractors Association

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045 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: SB 1032 is in response to legislation passed last session requiring inspection authorities to use a uniform standardized form and calculations and that brought in the requirement of a plan review section on the form.

Some governments have adopted plan reviews, but don't have people qualified to look at plans and they don't do it in a timely manner.

We asked for the (-2) amendments, (EXHIBIT F), that needs "the board shall establish lower limits for plan review requirements" to be inserted.

CHAIR REPINE: We need to get this in LC form with the other change

included.

112 JANET MCCOMB, COMMITTEE ADMINISTRATOR: If a coma is inserted after "county" it isn't so awkward.

CHAIR REPINE: We will take a break. (9:45 a.m.)

133 CHAIR REPINE: Calls the hearing back to order.

PUBLIC HEARING ON SB 648-A Witnesses:Mike Dewey, Oregon Cable Television Association Harlen Cook, Operations Manager, Columbia Cable of Oregon Solon Stone, Consultant, Oregon Cable Television Association

Staff submits SMS, revenue and fiscal impact statements, (EXHIBIT G).

145 MIKE DEWEY, OREGON CABLE TELEVISION ASSOCIATION: Cable television companies are franchised at the local level.

This requires that for cable television installations, a permit is not required nor is there a license required.

There has been misinterpretation of the statutes; cable television installations are in fact communication installations as opposed to electrical installations.

REP. SHIBLEY returns. (9:53 a.m.)

190 DEWEY: Requiring permits it would be very chaotic for the consumer and the companies.

Submits letter from Solon Stone, (EXHIBIT H).

210 HARLEN COOK, OPERATIONS MANAGER, COLUMBIA CABLE OF OREGON, WASHINGTON COUNTY: My testimony relates to the safety aspect; there have been no injuries in the history of providing service and that is because of how our services are designed.

238 SOLON STONE, CONSULTANT, OREGON CABLE TELEVISION ASSOCIATION: Testifies in support of SB 648.

The health and safety issue is the reason we have laws; we have ORS 479 .510 which addresses these issues and that law exempts the telecommunication industry and there is no reason why the same exemption shouldn't be given for cable television.

The telephone business has more energy available and the only other safety issues has to do with coming into contact with a higher potential and this is addressed by installation people because they have to follow the National Electric Code and other codes where they operate.

WORK SESSION ON SB 648-A

280 MOTION: REP. MCTEAGUE moves SB 648-A to the floor with a do pass recommendation.

285 VOTE: In a roll call vote the motion carries unanimously. Members excused: Bell, Sunseri & Bauman CARRIER: JOHNSON

PUBLIC HEARING ON SB 309-A Witnesses:Gary Wicks, Administrator, Building Codes Agency

300 GARY WICKS, ADMINISTRATOR, BUILDING CODES AGENCY: Testifies in support of SB 309-A

This allows us to proceed in assisting communities and individuals by inspecting buildings for damage that may occur from an earth quake.

We aren't talking about retroactivity here; after an earthquake occurs building inspectors do need to inspect buildings and we don't have that authority in Oregon in the building codes statutes and SB 309-A would give us that.

355 REP. SHIBLEY: Is this only for commercial buildings?

WICKS: No; we would have the authority to go into all types of buildings.

REP. SHIBLEY: What role does the Building Codes Agency play before an earthquake occurs?

WICKS: The Seismic Safety Commission is recommending that the Western part of Oregon be zoned 3 rather than 2 for earthquake potential and if that proposal is accepted houses and all buildings would have to meet the requirement, adding strength.

Secondly, SB 96 does a number of things, one of which is to require site specific studies for large or critical buildings.

430 REP. SHIBLEY: Are sloped sites inherently more dangerous to build on?

WICKS: In Santa Cruz the focus was on faults, but now they are realizing that the type of soil on the site makes a difference.

REP. MCTEAGUE: Does this relate to structural weaknesses in the capitol dome?

WICKS: I have heard those claims, but haven't seen a report.

REP. MCTEAGUE: Would this bill give you the authority to look at that?

TAPE 102, SIDE A

027 WICKS: No, this isn't retroactive so we couldn't come into the building and say there was a problem.

REP. JOHNSON leaves. (10:10 a.m.)

WORK SESSION ON SB 309-A

070 CHAIR REPINE: This had a referral to Ways and Means that can be rescinded.

REP. MCTEAGUE: If this is only an after the fact bill, what will this person spend their time on?

085 JANET MCCOMB, COMMITTEE ADMINISTRATOR: LCDC assumed that this could lead to work load increase resulting from assistance to and review of local government revisions of comprehensive plans and ordinances.



REP. MCTEAGUE: Does this create position authority for 1/2 an FTE?

CHAIR REPINE: I wouldn't think so.

106 MCCOMB: The last sentence on the fiscal says that it isn't clear that the measure's intent is to require such plan revision by local government.

REP. MCTEAGUE: There is no appropriation in the bill, perhaps we could at least make a statement about these fiscal statements.

REP. SHIBLEY: We should clarify the intent of this committee here and on the floor to clear up the confusion.

118 MOTION: REP. BELL moves SB 309-A to the floor with a do pass recommendation, rescinding the referral to the Committee on Ways and Means.

125 REP. SHIBLEY: This doesn't appear, and it wasn't the testimony from the Building Codes Agency, to require the plan revision by local government, therefore I don't believe that LCDC needs to anticipate increased work in the clerical position.

VOTE: In a roll call vote the motion carries unanimously. Members excused: Bauman, Johnson & Sunseri CARRIER: MCTEAGUE

PUBLIC HEARING ON SB 203 Witnesses: John Fregonese, Director, Department of Community Development Libby Henry, Eugene Water and Electric Board, (EWEB) Mike Grainey, Department of Energy Dan Bradley, City of Salem

145 JOHN FREGONESE, DIRECTOR, COMMUNITY DEVELOPMENT, ASHLAND: Submits written testimony in support of SB 203, (EXHIBIT I).

187 CHAIR REPINE: Is there anything in the policy in Ashland for criteria of conditional use?

FREGONESE: We feel that the State Building Codes limit our ability to do that; we have tried giving incentives, for new construction, for energy conservation in the residential sector.

This is going to have an effect on system development charges; this reduction will create less demand and therefore, they can be charged less system development charge, and that is a direct incentive that we will pass on.

215 LIBBY HENRY, EUGENE WATER AND ELECTRIC BOARD, (EWEB): Submits and summarizes written testimony in support of SB 203, (EXHIBIT J).

245 MIKE GRAINEY, DEPUTY DIRECTOR, OREGON DEPARTMENT OF ENERGY: Submits written testimony in support of SB 203, (EXHIBIT K).

290 DAN BRADLEY, WASTE WATER SUPERINTENDENT, CITY OF SALEM: I am testifying on behalf of Kimber Johnson the Chair of the Oregon Water Utility Council.

Submits written testimony in support of SB 203, (EXHIBIT L).

330 CHAIR REPINE: We are adjourned. (10:25 a.m.)

Submitted by:    Reviewed by:

Kimberly Burt    Janet McComb Assistant Administrator

EXHIBIT SUMMARY:

A - SB 203 SMS, revenue, fiscal statements & informative material submitted by staff, pp 19 B - SB 203 written testimony submitted by STICKEL, pp 2 C - SB 203 written testimony and informative material submitted by YOUNG, pp 12 D - SB 203 written testimony submitted by Sen. Hill, pp 3 E - SB 203 written testimony and informative material submitted by SCHNEIDER, pp 27 F - SB 1032 (-2) amendments submitted by GERVAIS, pp 1 G - SB 648 SMS, revenue & fiscal impact statement submitted by staff, pp 3 H - SB 648 written testimony submitted by DEWEY, pp 2 I - SB 203 written testimony submitted by FREGONESE, pp 2 J - SB 203 written testimony submitted by LIBBY, pp 2 K - SB 203 written testimony submitted by GRAINEY, pp 2 L - SB 203 written testimony submitted by BRADLEY, pp 2 M - SB 309 written testimony submitted by WICKS, pp 2 N - SB 203 written testimony submitted by GREENLEAF, pp 1 O - SB 1032 SMS, revenue & fiscal impact statement submitted by staff, pp 2