

Rep. Johnson made the motion that the amendments dated March 7 and March 19, 1969 to HB 1228 be adopted. The motion carried with all members voting in favor. Rep. Johnson then made the motion to send HB 1228 to the floor with a "do pass as amended" recommendation and the motion carried with seven "aye" votes and two "no" votes.

HB 1481 - Relating to the definition of "Air Pollution"

Rep. Stevenson spoke in favor of this bill but is opposed to the amendments. Rep. Stevenson introduced Rev. Wayne Potter, a representative of the Citizens Committee for Clean Air.

Rev. Potter believes that if the amendment is adopted to this bill, it will create difficulties in the economic well-being of the state, and would create problems for industry in the state. Secondly if this alternative language is accepted, he believes that it will not provide the desirable air quality that is needed by the citizens of our community, whether it be in the Portland area or in other cities.

Tom Donaca, Associated Oregon Industries, feels that the language on lines 10 and 11, page 3 of the printed bill should be removed.

Chairman Hanneman requested Reps. Carson and Stevenson to work with Mr. Donaca on the amendments to this bill for possible action in a work session scheduled for Friday, March 21st.

The work session on pollution measures was adjourned by the Chairman at 3 p.m. and hearing on HB 1294 was then opened.

HB 1294 - Relating to Regional Air Quality Control Authorities

Rep. Wingard, appeared as primary sponsor of HB 1294, and briefly explained the bill. He then read a statement by Mrs. Paul Patoine, Secretary of Lane Regional Air Pollution Advisory Council, a copy of which is attached.

Cecil Quesseth, Attorney for Mid-Willamette Valley Air Pollution Authority, appeared in favor of HB 1294. He distributed to committee members proposed amendments to HB 1294 and read from a prepared explanation of proposed amendments to HB 1294, copy of which is attached.

Ethel Daggett, President, Central Lane Republican Women, was unable to remain to testify, but left a copy of her prepared statement showing support of HB 1294. A copy of this statement is attached.

Rep. Bradley moved that the proposed amendments to HB 1294 be adopted and the motion carried with those present voting in favor. (Reps. Browne, Carson, Macpherson and Stathos had departed prior to the motion to attend 3 o'clock meetings). Rep. Bradley then moved that we send HB 1294 to the floor with a "do pass as amended" recommendation, and the motion carried unanimously.

HB 1155 - Relating to transportation of Christmas trees

Hal Schudel, Northwest Christmas Tree Association, Corvallis, stated that he is in solid support of this bill. Mr. Schudel stated he felt it would be good if the bill were amended to allow a landowner, if he wishes to give trees, up to and including five, that he could do so without being required to have a transportation permit. Mr. Schudel then answered questions from committee members relating to the requirements for the permits.

Rep. Bradley stated he was concerned for the individual who was "caught" with more than two trees, but without proof of purchase, although he had purchased them.

Bernard Douglas, U. S. Forest Service, Portland, spoke in support of this bill and stated that the national lands have suffered a great loss by the theft of trees.

Norman Bjorklund, Industrial Forestry Association, Portland, stated what he intended to say on this bill had already been stated, but wanted to mention the considerable investment which goes in before trees get to a harvestable size. He agrees with Rep. Bradley that maybe an amendment is needed to make it more practicable.

Gene Manock, State Forestry Department, spoke in support of the bill, and as far as his department is concerned, the amendments referred to by Rep. Bradley would be fine.

Chairman Hanneman questioned Mr. Manock about changing the limit of trees from two to five and he replied that there are cases when the theft of two cultured trees, which have been growing for ten years and have considerable investment in them, represent a great deal of money.


Chairman Hanneman asked that Reps. Johnson and Bradley work on possible amendments to HB 1155 and present them on Friday at a work session.

The Chairman closed the hearing on HB 1155, and for the record, then assigned bills for floor discussion:

HB 1176 - Rep. Macpherson; HB 1177 - Rep. Browne; HB 1178 - Rep. Stathos; HB 1294 - Rep. Wingard; and HB 1228 - Chairman Hanneman.

There being no further business, the meeting was declared adjourned.

Respectfully submitted,

  
Clara Kinnee, Clerk

2552 Alder Street  
Eugene, Oregon 97405  
March 18, 1969

Natural Resources Committee  
House of Representatives  
Salem, Oregon

Gentlemen:

At the Lane Regional Air Pollution Advisory Council meeting on February 12, 1969, motion passed unanimously "that Mrs. Patoine be given authority to testify on HB 1294 in favor of the addition of the words 'not fewer than five nor more than nine members' but that a period be placed after the word members on line 6 and other changes to present law be deleted."

The members of the Advisory Council were not in agreement on the other additions to the bill but were in agreement that they did not want to endorse changes that would affect the other two regional authorities.

I am sorry that it is not possible for me to be present.

Yours truly,

(Mrs. Paul E. Patoine)  
Secretary, Lane Regional Air  
Pollution Advisory Council


March 19, 1969

Natural Resources Committee  
Oregon State Legislature  
Salem, Oregon

I wish to go on record in favor of House Bill #1294

I definitely think that the Lane Regional Air Pollution  
Authority should have at least 5 or (more) members.

I am from Eugene and Eugene has probably the most pollution  
and largest concentration of population. We feel that Eugene  
should have at least 2 members on the Board of Directors.

  
Ethel Daggett, President  
Central Lane Republican Woman

SB164 Creates land usage board

HB1294 Relating to regional air quality control authorities; amending  
ORS 449.865.

AIR AND WATER QUALITY CONTROL

April 3, 1969

9:00 A.M.

#319 State Capitol

Senators Present: Senator Fadeley, Vice Chairman  
Senator Bateson  
Senator Ouderkirk  
Senator Willner  
Senator Atiyeh, Chairman

Witnesses: Representative George Wingard  
Margaret Patoine, Secretary of Lane Regional Air  
Pollution Advisory Board  
Doug Combs, Legal Council for Lane Regional Pol-  
lution Authority

HB1294 Relating to regional air quality control authorities; amending  
ORS 449.865.

Senator Atiyeh called meeting to order introducing Representative Wingard, one of bill sponsors.

Representative Wingard informed committee that he was not present at House meeting when amendments were adopted for the bill, and so wanted to have some added through this committee meeting.

The following was his proposed amendment:

After county insert "where regional air pollution authorities cover only one county" delete "and" and restore rest of sentence.

In effect does same thing as before except it defines additional member, and relates it to population of a participating city. Problem in Lane County 38% of population is in Eugene and it is allowed one member, 50% of population is in county and it is allowed one member, and 12% of population in Springfield and it is allowed one member. The money amounts contributed is also related to population with Lane County contributing \$19,000, City of Eugene \$15,000 and City of Springfield \$4,000.

Senator Ouderkirk asked if they had had problems?

Representative Wingard replied yes, that it took eight months to establish rules less stringent than the previous regional authority due to constant bickering among three members. Previously had been one of the few areas in state with a regional air pollution authority and they ended up with less stringent rules due to statutory requirements of recreation of regional air authorities.

Senator Atiyeh asked for the members not mentioning names?

Representative Wingard replied they were County Commissioner and two City Councilmen.

Senator Bateson expressed concern over up to now have not considered population in formation of these districts, if had done so the Mid-Willamette Valley District would never have gone. The concept has been fiscal representation rather than population representation.

Representative Wingard did not think amendment overstated point, - thought it helps even it. This wouldn't affect other counties because they cross county lines and would only apply to single county authority.

Senator Atiyeh referred to sub '1' - "not fewer than five nor more than nine members". And wondered if size of boards were designated. Thought they introduced in Local Government something to this effect.

Senator Fadeley did not recall one being passed - still talking about it.

Senator Atiyeh asked if there was some purpose for raising it as high as nine members?

Representative Wingard said he saw no limit in there. It was just that boards get unwieldy after that number.

Senator Bateson asked question of Representative Wingard, as this now is amended would have one representative from Lane County, one from Eugene and one from Springfield and then need to choose two more. What happens if Cottage Grove and some other town decide to get together and become participating cities - they would then choose one, would that take the place of one of the add on members or would that make the board six? And the six get together and choose the seventh?

Representative Wingard thought that was a good point. His interpretation of the bill is that they would eliminate one of those two added on. Present statute not very clear on that either.

Senator Bateson then asked Representative Wingard, if we take it with this amendment would have one from Lane County, two from Eugene, one from Springfield and they would pick a fifth member.

Representative Wingard said that the City of Cottage Grove had asked to participate, and had been refused because they are not 25,000 or more. Felt that with five members in group would work better.

Senator Fadeley asked Representative Wingard if he was aware of any opposition on this bill?

Representative Wingard said absolutely none, except that the Mid-Willamette Valley Authority did not want to change their membership; and this would not change the structure of their membership with this amendment added.

Margaret Patoine the board has considered HB1294, and gave Mrs. Patoine the authority to testify in favor of addition - "not fewer than five nor more than nine members".

Suggested that a period be placed after the word "members" on line 6 and other changes be deleted. Reason was that the advisory board could not agree on the various changes; and, also, did not want to endorse any changes whatsoever that would affect the other two regional authorities.

Senator Atiyeh asked Mrs. Patoine if she heard Representative Wingard's proposed amendment and wanted to know if this did not isolate it then to only Lane County?

Mrs. Patoine agreed. Could not speak for advisory board on new amendment, but personal opinion is that it is very good. To her the rest of the bill is acceptable.

She further stated that Cottage Grove will be allowed to come in, that they have a moral commitment to Cottage Grove. They asked to come in before the regional was formed but because of legal procedures would have been delay in forming region; and so told Cottage Grove they could come in but would postpone it because they did not know how to get fifth member.

Mr. Doug Combs here to speak on behalf of HB1294 as it came without proposal from Representative Wingard. The Authority is wholeheartedly in support of increasing the membership on the board to five.

Senator Fadeley announced that the board last night did not know of Representative Wingard's amendment, so simply did not take a position on it.

Senator Atiyeh asked Mr. Combs if he thought there would be any objection to supporting the bill including Lane County at this point?

Mr. Combs did not think so. Pointed out that the composition of the board has changed since time when problems arose.

Senator Atiyeh referred to sub 'c' and that it refers to all other regional bodies, made new material in sub 'b' apply just to Lane County (sake of moment) but sub 'c' does apply to all others and gets to point Senator Bateson made earlier about shifting.

Mrs. Patoine informed committee there was no language in bill to force to come in. Takes a bilateral agreement to come in.

Senator Ouderkirk asked for advantages of rotation of a member? Does not designate here that a member can be reappointed.

Mr. Combs noticed that also and thought only advantage would be bodies having a representative from their city on rotating basis so that they would have participating in authority.

Senator Ouderkirk was thinking of an exceptionally good man having to be replaced, and could get someone in who could care less.

Mr. Combs assumed that the language in sub 2 would allow the cities to elect their collective representative, and could elect whoever desired. Realizes the word 'shall' indicates mandatory language but did not know if this would absolutely prohibit the representative from serving one two year term or not.

Senator Bateson stated that if it doesn't, he doesn't know how to write language that would. Also says that if Cottage Grove and one other city involved, that Cottage Grove could be represented only two years and then the other city would have to be represented two years etc.

Senator Atiyeh felt original language would take care of problem so you wouldn't have them more than two years and get stuck. This only applies to smaller communities; however there is advantage in continuity. Could consider eliminating entire new language. Thinking of concept is up to governing body to make their selection. In this case we take the selection out of their hands - basically eliminated the possibility for mutual consent and acceptance among smaller communities, wondering if they want to do that.

Senator Ouderkirk thought they were getting off true value of what they are trying to accomplish. The purpose of regional control by having adequate people to do an adequate job. Going other way and worrying about they have proper representation and not whether going to do job or not. Felt that by statute are giving these authorities or direction to authorities through Sanitary Authority alot more responsibility than they ever had before so they have to be adequate.

Senator Bateson asked question if the council of Cottage Grove is five, and the council of the other city is three, and the council of another city is seven (for example), how many votes are there when you choose this board member?

Mr. Combs assumed three, each city having one vote. And this satisfied Senator Bateson.

Senator Fadeley moved to amend HB1294 as it comes from House by restoring on line 12 of page 2 the words "one additional member for each 35,000 popu-" and all of line 13 be restored; and on line 14 restore "from the city" and insert "after comma" following the word "county"; on line 12 the words "where regional air pollution authorities cover



only one county". Delete all amendments and restore the original language of the statute beginning on line 24 subsection 2 so that the rest of page 2 would be restored. Belief that lines 2, 3 and 4 on page 3 that that language is appropriate to leave by way of amendment.

Senator Bateson appreciated Senator Fadeley's motion but few things in it not right. Take one at a time? Sub 'b' is alright.

Senator Fadeley saw no reason to take word "and" out in sub 'b', but to insert new language after "and" and then restore original language. All in favor.

Second amendment was on lines 26, 27, 28 and 29 page 2 the new language in printed bill be deleted and on line 29 "designated" be deleted and "selected" restored. Line 30 sub "(d)" be deleted and original "(c)" restored.

Senator Bateson then should delete paragraph 'c' as you've knocked out Cottage Grove on the way by. Suggest on line 24 have paragraphs (a), (b) and (c) and not make a change in line 30.

Senator Fadeley so that that person wouldn't have a two year term; provided he was still in office in his own city. He would have a term at the pleasure of his City Council?

Senator Atiyeh still leave in your amendment to strike out the language.

Senator Bateson felt to make that work must provide a term for small cities people by putting "and (c)" in line 24. Then leave add on member who used to be sub 'c' but is now sub 'd' still listed as sub 'd' on line 30.

Senator Fadeley agreed Senator Bateson is better way of handling; although, changes length of term of that person from two years to pleasure of own council.

Senator Atiyeh so second part of your amendment you withdraw and that means of restoring "selected" and leaving "designated" in?

Senator Fadeley motion as to subsection 2 would be on line 24 after sub 'b' "(b)" add "and (c)" and strike out "and" after "(a)". On line 26, 27 and 28 strike out all new language; and on line 29 strike out all amendments except the amendment which deletes "selected" and inserts "designated".

Senator Bateson asked Senator Fadeley if he would prefer small cities man have a two year term?

Senator Fadeley had no preference.

Senator Atiyeh thought at pleasure of governing body should be handled, what decided previously. Asked Rep. Wingard for comments-none. Vote, all in favor.

Discussion held on using decennial census for benefit of small communities.

Senator Fadeley, moved to move bill out 'Do Pass as amended'. Roll call vote, all in favor.

SB164 Creates land usage board

Senator Atiyeh announced no one present to testify on SB164.

Senator Bateson thought a problem in that the Sanitary Authority now sets amount of contaminate or pollutant that may come out of a stack, and if you have 20 stacks putting out is one thing; if 30 stacks putting out another thing yet. Person wants to come into 31st stack but that air pool is full. At present time nobody can say you can't put that stack in, even though it meets our individual stack emission requirements, because the air pool is full. This might be a good vehicle in which to give Sanitary Authority the right to establish the maximum acceptable pollutant levels in any air pool. And to forbid the construction or installation of new pollutant or contaminate sources once that level is reached. Notwithstanding the fact that that individual source might meet the standards for an individual source.

Senator Willner wanted to know if air pool readily definable?

Senator Bateson did not know, but felt it is the concept of whole regional approach.

Senator Willner stated, then rather than define "air pool" define it "the regions as we have it".

Senator Ouderkirk thought there was already this authority.

Senator Bateson did not think they had that authority and asked Mr. Hardy if true?

Mr. Hardy did not think they had that authority.

Tom Donaca stated that they did not have, at this time, the information that would allow them to do what suggested. It is coming.

Senator Atiyeh asked if they desired to add "water" to it?

Senator Bateson replied is same problem.

Senator Atiyeh asked committee how they felt about statement by Senator Bateson and committee agreed it should be explored. Thought Land Usage Board should have more standards than does now. Have to get