

HOUSE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

February 20, 2003 Hearing Room D
1:00 PM Tapes 29 - 30

MEMBERS PRESENT: Rep. Jeff Kropf, Chair
Rep. George Gilman, Vice-Chair
Rep. Kelley Wirth, Vice-Chair
Rep. Terry Beyer
Rep. Dave Hunt
Rep. Donna Nelson
Rep. Patti Smith

STAFF PRESENT: Ray Kelly, Committee Administrator
David Peffley, Committee Assistant

MEASURES HEARD: HB 2372 – Work Session
HB 2416 – Public Hearing
LC 689 – Work Session
HB 2416 – Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 29, A		
004	Chair Kropf	Calls the meeting to order at 1:04 and opens a work session on HB 2372.
<u>HB 2372 – WORK SESSION</u>		
017	Ray Kelly	Committee Administrator. Speaks to the revenue impact relating to HB 2372.
024	Rep. P. Smith	MOTION: Moves that the SUBSEQUENT REFERRAL to the committee on Revenue BE RESCINDED.
028	Rep. Beyer	States concern as to the revenue impact and announces that she will vote no on HB 2372.
036	Rep. Hunt	Asks what the process is when there is no referral, but there is a probable revenue impact.
040	Chair Kropf	States that normally the bill would be referred to the relevant committee. Adds that in this case there is some debate as to whether there is any impact or not and that a revenue statement will be forthcoming.
048	Ray Kelly	Notes that this bill can't be dropped unless there is a revenue statement.
051	Chair Kropf	Informs the committee that it was not his intention to move the bill.
055	Rep. Nelson	States agreement with Rep. Beyer. Affirms the need for a revenue statement.

063	Rep. Hunt	Also affirms that his vote to rescind the referral should not necessarily be construed as a vote in favor of the bill.
071	Chair Kropf	Affirms that if an impact statement is issued, then the bill would come back into committee.
077	Rep. Wirth	Asks for confirmation that this bill will go to revenue on the Senate side.
080	Chair Kropf	Expresses near certainty that HB 2372 will go to Revenue on the Senate side.
083	Rep. Wirth	Asks if there is a precedent for this situation.
084	Chair Kropf	Asserts that there is, although not in the present committee.
090		VOTE: 5-2
		AYE: 5 - P. Smith, Nelson, Hunt, Gilman, Chair Kropf
		NAY: 2 - Beyer, Wirth
092	Chair Kropf	The motion Carries.
097	Rep. P. Smith	MOTION: Moves HB 2372 to the floor with a DO PASS recommendation.
104	Rep. Wirth	States strong opposition to this bill, as she thinks that subverting the revenue process is breaking the rules.
111	Rep. Beyer	Also states a dislike for the procedural bypass.
124		VOTE: 5-2
		AYE: 5 - P. Smith, Nelson, Hunt, Gilman, Chair Kropf
		NAY: 2 - Beyer, Wirth
	Chair Kropf	The motion Carries.
		REP. T. SMITH will lead discussion on the floor.
136	Chair Kropf	Closes the work session on HB 2372 and opens a public hearing on HB 2416.

HB 2416 – PUBLIC HEARING

141	Ray Kelly	Summarizes HB 2416.
151	Rep. Betsy Close	Introduces her bill, HB 2416. Submits (EXHIBIT A) and testifies in favor of the passage of HB 2416, as it would reduce the ambiguity of the various ways in which science is used.
218	Rep. Nelson	Questions former Governor Kitzhaber's opposition to this definition of science.
226	Rep. Close	Summarizes Governor Kitzhaber's statement of opposition.
240	Rep. Nelson	Summarizes that Governor Kitzhaber didn't have a reason for his opposition to the definition of science.
245	Rep. Close	Replies that she was disappointed with Governor Kitzhaber's opposition to the bill defining science during the last session.
247	Rep. Hunt	Asks if there are other possible definitions for science.
251	Rep. Close	States that there probably are, but asserts that she tried to take commonly-used definitions into account while drafting HB 2416.
252	Rep. Hunt	Asks if other states have adopted similar definitions.
256	Rep. Close	Responds that she doesn't know.
260	Rep. Wirth	Asks what problem HB 2416 would help to solve.
262	Rep. Close	Responds that her packet contains examples of science and when it's wrongly used can lead to groups taking terrorist actions.
267	Rep. Wirth	Asks how the definition of science will change the manipulation of data.
275	Rep. Close	Responds to scientific inquiry and how it would be implemented.
290	Rep. Wirth	Asks Rep. Close if she believes that empirical research is not currently being used.
303	Rep. Close	States that this would keep people from saying it's science when it's not.
311	Rep. Wirth	Asks how we would confirm whether the scientist was using

316	Rep. Close	scientifically-proven methods. States that if this definition were included in the statutes, then it would contribute to truthful testimony.
323	Rep. Wirth	Restates her skepticism whether this definition is necessary.
329	Rep. Close	States that Rep. Wirth did vote against this last time, so she understands her opposition to this legislation.
340	Mary Buckman	American Fisheries Society, Oregon Chapter. Submits (EXHIBIT B) in opposing HB 2416. States that this definition is limited and would hamper the scientific community and that this bill will not clarify anything.
TAPE 30, A		
002	Rep. Wirth	Asks if this law would force scientists to do their job differently and whether HB 2416 would have a financial impact.
009	Buckman	States the desire to have science scrutinized, but states concern that this definition would hinder scientists' ability to properly conduct research.
017	Rep. Wirth	States her belief that this legislation would cause scientists to do their jobs differently.
021	Rep. Hunt	Asks if other states have adopted similar definitions.
027	Buckman	Replies that there are some federal definitions
028	Rep. Hunt	Asks if there is value in having some definition which is perhaps broader than the current definition.
031	Buckman	States that it is something which could be pursued. Affirms that the process of science needs to be maintained.
036	Rep. Wirth	Asks if there are any instances where statutes were written to compel legislators to base their decisions on science.
038	Buckman	Replies that many statutes instruct them to use the best scientific methods available and that she believes that is occurring.
040	Rep. Wirth	Asks if this legislation solves any current problems.
042	Buckman	Replies that she doesn't believe that it solves any problems, but believes that it could create some problems by limiting scientists.
048	Chair Kropf	Asks what part of the bill creates her biggest concerns.
054	Buckman	States that she is very concerned about the phrase about testable laws and theories.
060	Chair Kropf	States concerns about scientists and scientific analyses. Asks how we can ferret out the truth if you don't have some replicatable evidence.
076	Buckman	Agrees that replicability is very important, but states that scientists don't always have 100% of the information and sometimes have to rely on the best evidence available.
091	Chair Kropf	Explains frustrations which come about from the word <i>science</i> . Offers his concern about being able to establish truth, which may not be based upon sound science.
109	Buckman	Agrees with Chair Kropf. States her belief that it's just not that simple. Also submits that peer review is an important part of the equation.
121	Katie Fast	Submits (EXHIBIT C) and testifies in support of HB 2416. States the Cattlemen's concern about pseudoscience and belief that this legislation is vital to holding scientists accountable.
167	Jean Wilkinson	Submits (EXHIBIT D) and testifies in support of HB 2416. Agrees with Fast's testimony and adds that this legislation provides a fundamental basis for sound science.
197	Gil Riddell	Association of Oregon Counties. Asserts strong support for HB 2416.

207	Rep. Nelson	Asks if one definition of science is better than none.
223	Fast	States that we need an efficient definition which is endorsed by the scientific community, and that this definition does fine.
237	Wilkinson	Agrees with Rep. Nelson, that one definition is better than none.
247	Chair Kropf	Asks Gil if he would respond to Buckman's comments about scientists needing more flexibility.
251	Riddell	States his belief that this definition will not hinder the scientific community.
276	Rep. Nelson	Asks Buckman if one definition is better than none.
296	Buckman	Reiterates her concern of what we are able to call science. Affirms that any definition would have to be far more encompassing.
314	Rep. Nelson	Recommends that schools drop science since we can't decide what the definition is.
325	Buckman	Believes that the definition is more complicated.
330	Rep. Beyer	Asks what problems this legislation would solve.
341	Buckman	Speaks to testable laws.
364	Rep. Beyer	Asks who determines what laws are testable and how.
369	Chair Kropf	Offers that it comes down to the issue of whether or not a result is replicated.
415	Buckman	Agrees with Chair Kropf. Speaks to a hypothetical example of the scientific process. Reaffirms that the American Fisheries Society is concerned that this bill would limit them.
TAPE 29, B		
002	Stephen Kafoury	The Wildlife Society. Introduces his agency's concern with the issue.
025	Warren Aney	Chair, Conservation Affairs Committee, Oregon Chapter, The Wildlife Society. Submits (EXHIBIT E) and states that the definition of science contained in HB 2416 is too narrow. Asserts that it's a complicated definition. Also testifies that the Wildlife Society questions the need for such a definition.
095	Rep. Smith	Asks that if this definition is too narrow, how Aney would amend it.
100	Aney	States that he would add a lot and that it would change from field to field within science.
112	Rep. Wirth	Asks if Aney thought that this legislation would prohibit bad science from being presented to the legislature.
119	Aney	Testifies that the definition is so narrow that very little evidence would be admissible as science.
126	Rep. Nelson	Asks who the most famous scientist of all time is.
132	Aney	Responds that he thinks it's probably Galileo.
136	Rep. Nelson	Asks if we should use his definition of science.
144	Aney	States that he thinks he would like to use Dr. E. O. Wilson's thirteen-page description of science.
156	Rep. Nelson	Asks if we could use Galileo's definition for the sake of brevity.
160	Aney	States that we have gone beyond his findings, which were based largely on observations.
184	Rep. Nelson	States that she likes Aney's definition of science. Asks if science will be forever changing.
226	Aney	Affirms that Rep. Nelson understands the gist of scientific process.
229	Chair Kropf	Asks if the National Academy of Sciences has a definition.
236	Bob Seiwert	Associate Superintendent for Curriculum Instruction, Oregon Department of Education (DOE). Testifies that this legislation

266	Kathleen Vanderwall	could impact the Department of Education.
308	Ginger Redlinger	Oregon DOE. Submits (EXHIBIT F) and testifies as to the definition of science as used by the Oregon School System. Testifies that she doesn't think that some of her school activities would necessarily fit the definition contained in HB 2416. Remarks that science is a process, which is not addressed by this legislation.
338	Chair Kropf	Asks about the financial impact on the DOE.
343	Seiwert	Responds that this bill would change standards and would impact staffing.
350	Rep. Nelson	Asks if we could incorporate DOE's definition into the definition of science in HB 2416.
370	Vanderwall	Asserts her belief that the overlap might make it confusing, so she'd like to weigh the two and have a working group come to a consensus.
402	Seiwert	Reiterates his concern with defining content in statute. Reaffirms the changing nature of science.
430	Rep. Nelson	Asks if we could change the definition in the future if necessary.
438	Seiwert	Affirms that this is an issue which would need to be revisited over and again.

TAPE 30, B

007	Rep. Nelson	As a former teacher, states concern about testable laws and theories which are not contained in the definition.
019	Vanderwall	Testifies to the wealth of standards that they adhere to, and that we need to continue to focus on scientific inquiry.
034	Chair Kropf	Asks if we need to prove scientific theories.
038	Vanderwall	Asserts that it varies within the field of science. What is true for agriculture may not be true for geology.
050	Chair Kropf	Asks about nationwide or statewide policy.
053	Vanderwall	Empathizes with Chair Kropf's position.
064	Chair Kropf	Closes the public hearing on HB 2416. Announces that HB 2372 needs to be pulled back for further consideration.

HB 2372 - WORK SESSION

080	Rep. Gilman	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2372.
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090	Chair Kropf	VOTE: 7-0
095	Chair Kropf	Hearing no objection, declares the motion CARRIED.

099	Chair Kropf	Closes the work session on HB 2372
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		Opens a work session on LC 689
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LC 689 – WORK SESSION

102	Ray Kelly	Explains LC 689.
111	Chair Kropf	Reaffirms the intent and process of the Legislative Concept.
115	Rep. Nelson	Asks if this bill was addressed last September.
120	Ray Kelly	Affirms that this bill has not previously come before a committee. Notes that it was drafted on September 11, 2002

124	Rep. P. Smith	MOTION: Moves LC 689 BE INTRODUCED as a committee bill.
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127		VOTE: 7-0
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134	Chair Kropf	Hearing no objection, declares the motion CARRIED.
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137	Rep. Nelson	Requests the Chair to open a work session on HB 2416.
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HB 2416 – WORK SESSION

142	Rep. Nelson	MOTION: Moves HB 2416 to the floor WITHOUT RECOMMENDATION as to passage.
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156	Rep. Hunt	Asserts that we should examine this issue further.
161	Rep. Beyer	Agrees with Rep. Hunt. States her belief that she does not have enough information to vote now.
166	Rep. Wirth	States that this bill is a solution looking for a problem.
172	Rep. Smith	Submits that she will vote for HB 2416.
177	Rep. Gilman	States that he is not prepared to move the bill at this point.
180	Chair Kropf	Offers Rep. Nelson the opportunity to withdraw her motion.
184	Rep. Nelson	Points out that she didn't motion to move the bill with a DO PASS recommendation.
190	Chair Kropf	Asks Kelly for the consequences under parliamentary procedure.
195	Kelly	Affirms that if the legislation is voted down, the bill will be killed.
201	Chair Kropf	Stresses that we work the bill at a later date and not to finalize it at this point.
210	Rep. Nelson	Withdraws her motion.
217	Chair Kropf	Closes the work session on HB 2416 and adjourns the meeting at 2:46.

EXHIBIT SUMMARY

A – HB 2416, written testimony and materials, Representative Betsy Close, 4 pp.

B – HB 2416, written testimony, Mary Buckman, 2 pp.

C – HB 2416, written testimony, Katie Fast, 3 pp.

D – HB 2416, written testimony, Jean Wilkinson, 1 p.

E – HB 2416, written testimony, Warren Aney, 2 pp.

F – HB 2416, written testimony, Kathleen Vanderwall, 1 p.