

SENATE COMMITTEE ON
AGRICULTURE, NATURAL RESOURCE AND THE ENVIRONMENT

February 10, 1995 Hearing Room 343
1:00 P.M. Tapes 28, 29,

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair
Sen. Bill Bradbury
Sen. Bill Dwyer
Sen. Tom Hartung
Sen. Rod Johnson, Vice Chair
Sen. Marylin Shannon

MEMBER EXCUSED:

STAFF PRESENT:

Bruce McIntosh, Committee Administrator
Catrina Victor, Committee Assistant
MEASURES HEARD: SB -158, Work Session
HJM-2, Public Hearing and Work Session

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.

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Tape 28A,

Opens WORK SESSION on HB -158

10 Chair Kintigh: Calls meeting to order 1:14 P.M. Reverse the order of the agenda committee to hear SB -158 before SB -160. Opens work session on SB 158.

14 MOTION: SEN. DWYER: Moves that SB -158-1, LC 639 dated 01/23/95 which basically states an "out" for parents who have file a petition for an emancipated child be accepted

18 VOTE: No objections heard the amendments are adopted. Sen. Kintigh is to carry this item.

20 MOTION: SEN. DWYER: Moves SB -158 as amended DO PASS to the floor.

VOTE: Roll call vote. 4-0 MOTION PASSES. Sen. Johnson was excused during voting SEN KINTIGH will lead the floor discussion.

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Opens Public Hearing on H.1M-2

25 Chair Kintigh: First presenter asked to come forth.

30 Irv Fletcher: Oregon AFL/CID. Refers to testimony please see exhibit B.

45 Jim Myron: Oregon Trout. Would like the wording changed to "best available" science not "sound verifiable." This organization does not support this memorial.

75 Sen. Bradbury: I'd like to ask the sponsors what "sound verifiable" is?
The sponsor is not present therefore the question was directed to Sen. Johnson.

90 Sen. Johnson: To base issues on evidence that can be verified or proven,
empirical data rather than studies based on theory.

105 Sen. Dwyer: What about the fish? There is so many approaches to our fish
dilemmas? Which in your opinion is "sound and verifiable" evidence?

120 Sen. Johnson: The phrase would be designed to change activity on the
agency level. It would cause the agencies to use better evidence within the scientific community.
The evidence would also be used by the courts in reviewing the agency action to make sure they
used all of the evidence available. There are all kinds of evidence as to why the fish are
disappearing and some is based on theory

138 Sen. Dwyer: "In the meantime the fish are gone."

140 Sen. Bradbury: Relays the current example of the John Day Reservoir and
what should and is being done in regards to the draw down, which was based on studies.

170 Chair Kintigh: This resolution speaks of "terminology" that is to be
passed, not how they will implement it. As for testing, an example of verifiable evidence would
be a control group.

190 Sen. Johnson: The spotted owl is a good example. The distinction right
now is making decisions based on theory which may be the best available science.

212 Sen. Dwyer: Should we call it "best available science" instead?

220 Sen. Shannon: Do you have any other words you would suggest Mr. Myron?

230 Mr. Myron: "Best available" would be a better replacement than "sound verifiable."

230 Sen. Hartung: Points out "antidote" in the bill and refers to the dictionary for the definition. Explains how it should be interpreted within the memorial.

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260 Mac Birkmaier: The government has access to these research studies but as a resource user you do not have the capability to buy these studies. Science, in this opinion, means it's been through research, for example in a university study.

304 Sen. Dwyer: Believes "sound verifiable" needs to be better defined.

336 Sen. Dwyer: Wants to solve the problem and define what they are trying to say and do.

357 Mr. Birkmaier: We are being subject to things that have never been proven, only theories. Then must abide by the rules based on them.

Tape 29A,

05 Jim Gourley: We have to have verifiable proof. It's similar to the spotted owl. They are present, and through verifiable research their existence have been proven.
Oregon State Union Council supports HJM-2.

53 Sen. Bradbury: What do you think "sound verifiable" is Mr. Gourley?
55 Mr. Gourley: Something that can or may be proven.
67 Sen. Bradbury: What you call "sound verifiable" is "best available"
science.
76 Sen. Dwyer: Research should be based on sound verifiable science. But in
terms
of "recovery" it should be worded differently.
115 Sen. Bradbury: Feels we need to know for certain what we are voting on
with the best
possible data available and the terminology "sound verifiable" isn't it.
123 Sen. Johnson: It's basically to tell Congress that we are moving towards
getting
100% knowledge on problems and issues facing us. Sometimes 100% knowledge
isn't
available but we're letting Congress know before action is taken we want to
have the most
accurate information available.
145 Closes PUBLIC HEARING on HJM-2

WORK SESSION OPENED ON HJM-2

150 MOTION: SEN. HARTUNG: Moves DO PASS to the floor with explanation.
Personally does not like joint memorials but feels this memorial is making
an effort to achieve better wording, perhaps it is not the best
terminology, but it's an attempt.

155 Sen. Dwyer: Supports the motion but wants more input to find a more
clear definition.

174 Sen. Bradbury: Voices disapproval of this memorial and reasons for
voting
"no."

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176 Sen. Shannon: This memorial might not be perfectly worded but the intent
does say
what

we want it to say.

180 MOTION: SEN. KINTIGH: Asks clerk to call the roll. Roll call vote taken:
5-1 MOTION PASSES. AYE: 5 Dwyer, Hartung, Johnson, Kintigh, Shannon
NO: 1 Bradbury
SEN. SHANNON will lead discussion on the floor.
190 Chair Kintigh: Meeting adjourned 1:55 P.M.

by, Reviewed by,

Catrina Victor ~e McIntosh
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A-House Joint Memorial-2 Bill copy/Staff Measure Summary- 2 pg. - ~~,
B-Testimony submitted by Irv Fletcher on behalf of Brad Witt- 3 pg.
C-Testimony submitted by Jim Mvron- 2 pg. 2c~ ~J t ;)Z
D-Testimony submitted for the record by Association of Oregon Counties- 1

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