

## SENATE AMENDMENTS TO SENATE BILL 202

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 24

1 On page 1 of the printed bill, line 2, after “ORS” insert “352.239,”.

2 After line 3, insert:

3 “Whereas the Legislative Assembly seeks recommendations regarding independent scientific re-  
4 view of a broad range of natural resources issues; now, therefore,”.

5 Delete lines 5 through 24 and delete page 2.

6 On page 3, delete lines 1 through 24 and insert:

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8

### “TASK FORCE ON INDEPENDENT SCIENTIFIC REVIEW FOR NATURAL RESOURCES

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11 “**SECTION 1.** The Legislative Assembly finds and declares that:

12 “(1) Policy and program decisions made by natural resources agencies, boards and com-  
13 missions can benefit from independent scientific review that:

14 “(a) Reflects a balance of representation from various research sectors, academic and  
15 nonacademic, public and private;

16 “(b) Is performed by distinguished scientists from a range of disciplines; and

17 “(c) Is clearly communicated to the public and state and local officials.

18 “(2) Oregon is home to many highly qualified scientists with recognized expertise in a  
19 variety of disciplines who are willing to contribute their time and knowledge to scientific  
20 reviews to inform the decisions made regarding state and local natural resources policies and  
21 programs.

22 “**SECTION 2.** (1) The Task Force on Independent Scientific Review for Natural Resources  
23 is established, consisting of up to 15 members.

24 “(2) Members of the task force shall be appointed by the Governor in consultation with  
25 the Vice Presidents of Research, or their designees, at Oregon State University, the Uni-  
26 versity of Oregon and Portland State University.

27 “(3)(a) The task force shall consist of members from the forestry, agriculture, manufac-  
28 turing, conservation, academic and research sectors, and representatives of Oregon State  
29 University, the University of Oregon and Portland State University.

30 “(b) At least one member of the task force shall have previously served on the Inde-  
31 pendent Multidisciplinary Science Team created under ORS 541.914, as in effect prior to the  
32 operative date specified in section 9 of this 2015 Act, or on another state or federal scientific  
33 review body, such as the National Academy of Sciences.

34 “(c) Representatives from state natural resources agencies may participate as nonvoting  
35 members.

1           **“(4) The task force shall evaluate and assess the need for independent scientific review**  
2 **in Oregon and make appropriate recommendations. In developing its recommendations, the**  
3 **task force shall:**

4           **“(a) Proceed with the understanding that:**

5           **“(A) Independent scientific reviews are not intended to replace internal agency reviews**  
6 **of natural resources policy and program decisions; and**

7           **“(B) Agencies are not required to use an independent scientific review panel as recom-**  
8 **mended by the task force;**

9           **“(b) Evaluate whether natural resources agencies, legislators and the public would bene-**  
10 **fit from the incorporation of independent scientific review in the making of policy decisions;**

11           **“(c) Evaluate whether existing state, federal and academic resources for conducting in-**  
12 **dependent scientific review are meeting the needs of natural resources agencies and other**  
13 **policymakers; and**

14           **“(d) Evaluate the mechanisms and structures that are in place in other states and at the**  
15 **federal level for independent scientific review related to natural resources policy.**

16           **“(5)(a) If the task force determines there is a need for independent scientific review in**  
17 **Oregon, the task force shall make recommendations on one or more entities, which may in-**  
18 **clude existing scientific entities in Oregon or a new independent scientific review entity, that**  
19 **are best situated to conduct or coordinate independent scientific review and whether the**  
20 **entities identified would need legislative authority to act as independent scientific review**  
21 **bodies for Oregon.**

22           **“(b) If the task force recommends use of a particular existing scientific entity, the task**  
23 **force shall make any recommendations regarding necessary changes to the entity based on**  
24 **the evaluation and assessment undertaken pursuant to subsection (4) of this section. If the**  
25 **task force recommends the development of a new independent scientific review entity, the**  
26 **task force shall make recommendations regarding how to structure a new independent sci-**  
27 **entific entity.**

28           **“(6) In making recommendations under subsection (5) of this section, to ensure that an**  
29 **entity will provide scientific review that is independent, the task force shall consider:**

30           **“(a) Whether the entity should provide reports to the Legislative Assembly or otherwise**  
31 **be subject to special legislative oversight;**

32           **“(b) Whether organizational safeguards must be established or changed within the entity**  
33 **to ensure that the entity is free from bias and that a wide variety of natural resources dis-**  
34 **ciplines and interests are represented;**

35           **“(c) How to develop or change the structure or processes of the entity’s advisory board**  
36 **or other governing body in order to support the independence of scientific review panels**  
37 **convened by the entity, which shall include consideration of the entity’s advisory board or**  
38 **other governing body directing or participating in the scientific analysis and review con-**  
39 **ducted or coordinated by the entity;**

40           **“(d) How the entity’s funding structure should be created, altered or supplemented to**  
41 **ensure that there is no perception of bias in the funding of independent scientific review**  
42 **panels and to ensure that adequate funds are available to convene such panels;**

43           **“(e) How to develop processes for conducting or coordinating independent scientific re-**  
44 **view in order to encourage balanced, broad and diverse participation among the scientific**  
45 **disciplines that may be called upon in the course of independent scientific review; and**

1       “(f) How to develop procedures for the selection and deliberation of scientific experts to  
2 participate in independent scientific reviews, taking into consideration lessons learned from  
3 the processes used by the former Independent Multidisciplinary Science Team and other  
4 processes for independent scientific reviews.

5       “(7) The task force also shall make recommendations regarding the structure and func-  
6 tion of the process to be used by the recommended entities in the course of independent  
7 scientific reviews. In making recommendations under this subsection, the task force shall  
8 consider:

9       “(a) Whether the entity should respond to inquiries from the Governor’s office or the  
10 Legislative Assembly, the citizen boards of natural resources agencies or from other appro-  
11 priate parties;

12       “(b) Whether the entity should independently select science issues to review;

13       “(c) Whether a state agency should be required to respond in writing to a report issued  
14 by an independent scientific review panel, explaining how the agency intends to implement  
15 the panel’s suggestions or why the agency does not plan to implement the suggestions;

16       “(d) How to enhance involvement of the University of Oregon, Oregon State University,  
17 Portland State University and other universities in the independent scientific review process;  
18 and

19       “(e) How to provide a scientific review process that is open to the public and that inspires  
20 public confidence in, and understanding of, the review process without compromising the  
21 independence of the review.

22       “(8) A majority of the voting members of the task force constitutes a quorum for the  
23 transaction of business.

24       “(9) Official action by the task force requires the approval of a majority of the voting  
25 members of the task force.

26       “(10) The task force shall elect one of the voting members to serve as chairperson.

27       “(11) If there is a vacancy for any cause, the Governor shall, in consultation with the  
28 Vice Presidents of Research, or their designees, at Oregon State University, the University  
29 of Oregon and Portland State University, make an appointment to become immediately ef-  
30 fective.

31       “(12) The task force shall meet at times and places specified by a majority of the voting  
32 members of the task force.

33       “(13) The task force may adopt rules necessary for the operation of the task force.

34       “(14) The task force shall have its first meeting on or before January 1, 2016.

35       “(15) The task force shall submit a report of its findings and recommendations to the  
36 Governor and to an appropriate committee of the Legislative Assembly in the manner pro-  
37 vided in ORS 192.245 no later than September 15, 2016.

38       “(16) The Institute for Natural Resources shall provide staff support to the task force.

39       “(17) Members of the task force are not entitled to compensation, but may be reimbursed  
40 for actual and necessary travel and other expenses incurred by them in the performance of  
41 their official duties in the manner and amounts provided for in ORS 292.495. Claims for ex-  
42 penses shall be paid out of funds appropriated to the Institute for Natural Resources for  
43 purposes of the task force.

44       “(18) All agencies of state government, as defined in ORS 174.111, are directed to assist  
45 the task force in the performance of its duties and, to the extent permitted by laws relating

1 to confidentiality, to furnish such information and advice as the members of the task force  
2 consider necessary to perform their duties.

3 **“SECTION 3. Sections 1 and 2 of this 2015 Act are repealed on January 2, 2019.**

4  
5 **“INSTITUTE FOR NATURAL RESOURCES**

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7 **“SECTION 4.** ORS 352.239 is amended to read:

8 *“352.239. [(1) There is created within the Oregon University System the Institute for Natural Re-*  
9 *sources. The Institute for Natural Resources shall be administered by Oregon State University and*  
10 *other institutions in the Oregon University System.]*

11 **“(1) The Institute for Natural Resources is established at Oregon State University. In**  
12 **administering the institute, Oregon State University may seek the cooperation of other**  
13 **public universities listed in ORS 352.002.**

14 **“(2)** The Institute for Natural Resources shall serve the following purposes:

15 **“(a)** Serve as a clearinghouse for scientifically based natural resources information.

16 **“(b)** Provide scientifically based natural resources information to the public in integrated and  
17 accessible formats.

18 **“(c)** Coordinate efforts with other state agencies and bodies to provide natural resources infor-  
19 mation to the public in a comprehensive manner.

20 **“(d)** Facilitate and conduct research.

21 **“(e)** Provide information and technical tools to assist decision-making on natural resources is-  
22 sues.

23 **“(f)** Assist the State Parks and Recreation Commission in carrying out the Natural Areas Pro-  
24 gram by maintaining a data bank that contains a classification of natural heritage resources and  
25 an inventory of the locations of the resources. At a minimum, the institute shall record in the data  
26 bank the location of state natural areas, the natural heritage resources in those areas, sites that  
27 are inhabited by rare species, and lists that rank by rarity species, plant communities and ecosystem  
28 types. The institute shall make the information included in the data bank available to private land-  
29 owners, researchers and local, state and federal agencies.

30 **“(g)** Assist the State Parks and Recreation Department in carrying out the Natural Areas Pro-  
31 gram by reviewing and providing recommendations on proposals for registration and dedication of  
32 natural areas.

33 **“(3)** When making observations on private land, an employee of [*an institution in the Oregon*  
34 *University System*] **a public university listed in ORS 352.002** who is compiling information for the  
35 Natural Areas Program pursuant to subsection (2)(f) of this section must obtain permission from the  
36 landowner before **entering private land, collecting information or** entering the information into  
37 the data bank.

38 **“(4)** Using existing resources, state agencies designated by the Governor shall enter into a  
39 memorandum of understanding, or other agreement deemed appropriate by the Governor, with the  
40 institute that defines and clarifies the roles and responsibilities of the agencies in order to prevent  
41 duplication of effort and to ensure that agency resources are used efficiently.

42 **“(5)** State agencies may contract with the institute to fulfill agency needs regarding the col-  
43 lection, storage, integration, analysis, dissemination and monitoring of natural resources information  
44 and natural resources research and training.”.

45 In line 28, delete “6” and insert “5”.

- 1 In line 29, delete “7” and insert “6”.
- 2 In line 30, delete “8” and insert “7”.
- 3 On page 4, line 19, delete “9” and insert “8”.
- 4 On page 6, line 7, delete “the” and delete “Oregon Academy of”.
- 5 In line 8, delete the boldfaced material and insert “independent scientific review panels”.
- 6 On page 7, delete lines 4 through 6 and insert:
- 7 **“SECTION 9. Section 5 of this 2015 Act, the amendments to ORS 541.890 and 541.898 by**
- 8 **sections 7 and 8 of this 2015 Act and the repeal of ORS 541.914 by section 6 of this 2015 Act**
- 9 **become operative on January 1, 2017.”**
- 10 In line 10, delete “11” and insert “10”.
- 11 In line 13, delete “12” and insert “11”.
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