

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: SB 286 - A

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Renames Environmental Justice Task Force as Environmental Justice Council.

Government Unit(s) Affected:

Department of Environmental Quality (DEQ), Department of Land Conservation and Development (DLCD), Oregon Department of Agriculture (ODA), Oregon Parks and Recreation Department (OPRD), Office of the Governor, Department of Forestry (ODF), Water Resources Department (WRD), Department of Fish and Wildlife (ODFW), Department of Energy, Oregon Watershed Enhancement Board (OWEB), Department of Transportation (ODOT), Oregon Health Authority (OHA), Public Utility Commission (PUC), Commission on Indian Services (CIS), Oregon Advocacy Commissions Office (OACO)

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Analysis:

SB 286 A-Engrossed changes the name of the Environmental Justice Task Force to the Environmental Justice Council (EJC) and establishes the Council within the Department of Environmental Quality (DEQ). The measure directs the transfer of any unexpended balances authorized to be expended by the office of the Governor for purposes of the Environmental Justice Task Force for the 2021-23 biennium to DEQ for support of the Council. The measure authorizes the Council to form workgroups and consult with stakeholders as necessary. The Council, in consultation with natural resource agencies, must formulate guidance and best practices reports which must be reviewed and updated every five years. The Council is required to report to the Governor and Legislature guidance for state agencies in adopting rules, policies or guidelines regarding how to use the environmental vulnerability assessment. The Council must provide the initial report by September 15, 2024.

Department of Environmental Quality (DEQ)

DEQ estimates the fiscal impact of this measure to be \$3,000,000, 3 positions, and 3.00 FTE per biennium. The measure specifies that DEQ is responsible for ensuring payment of the administrative expenses of the Council. The measure requires DEQ, in consultation with the Council, natural resource agencies, local agencies and officials and community representatives, to conduct environmental vulnerability assessments of highly impacted communities and review and conduct these vulnerability assessments at least once every five years. When developing or revising the environmental vulnerability assessments, DEQ must hold at least four meetings in different regions of the state to receive input and feedback from communities and present DEQ's workplans and proposals. DEQ must conduct these environmental vulnerability assessments by September 15, 2024. The fiscal impact includes \$1,000,000 for the development of environmental vulnerability assessments as well as personal services and related services and supplies for the following positions:

- One Principal Executive Manager E position to serve as the Program Manager providing policy, managerial and inter-agency oversight of a new Office of Environmental Justice, which includes the Environmental Justice Council. This position will serve as liaison between DEQ, the Environmental Quality Commission, the EJC and the Governor's Office. This position will be accountable for the development of

the environmental vulnerability assessments and for ensuring the EJC has support necessary to deliver the Guidance and Best Practices report required by the measure.

- One Operations and Policy Analyst 3 position to provide high-level policy support and community engagement expertise to the Environmental Justice Council and Office of Environmental Justice. This position will be responsible for delivering on all mandates described in the measure, including serving as project lead for the legislative report required by the measure and outreach work and managing contracts related to the development of environmental vulnerability assessment. This position would also provide high-level administrative and programmatic support to the Environmental Justice Council, which would likely be meeting at least 6 times per year or more.
- One Research Assistant 3 position to lead the technical aspects of the environmental vulnerability assessment development, including identifying new and existing datasets, conducting literature reviews on the identification of vulnerable populations and environmental health disparities, and identifying and implementing strategies to integrate diverse data into one vulnerability assessment tool. This position will also be responsible for the development and oversight of contracted work needed to support the technical elements of the environmental vulnerability assessment (i.e. data collection, analysis and presentation).

This investment is included in Package 090 of the agency's Governor's budget.

Existing statutes require natural resources agencies to establish a citizen advocate position responsible for encouraging public participation and ensuring that the agency considers environmental justice issues. This measure changes the citizen advocate to public advocate and specifies that the position must be responsible for informing the agency of the effect of its decisions on highly impacted communities. The measure requires natural resource agencies to consider the environmental vulnerability assessments when developing administrative rules or agency policies or programs. In addition, DEQ, the Department of Land Conservation and Development (DLCD), the State Department of Agriculture, the Department of Forestry (ODF), the Water Resources Department (WRD), the Department of Fish and Wildlife (ODFW), the Oregon Parks and Recreation Department (OPRD), the Oregon Watershed Enhancement Board (OWEB), the Department of Energy, the Department of Transportation (ODOT), the Oregon Health Authority (OHA), the State Fire Marshal, the Public Utility Commission (PUC), the Oregon Global Warming Commission, the Sustainability Board, and Environmental Justice Council must annually confer to discuss climate impacts on affected communities and to develop strategies to guide state climate actions. No later than September 15th of each year, these entities must report jointly to the Governor and an interim committee of the legislature summarizing these discussions. Most of these agencies will use existing staff and resources to comply with these provisions of the measure.

In addition, the measure allows DEQ to enter into agreements with other state natural resource agencies to share the administrative expense of the Council. The fiscal impact of this measure on natural resources agencies will depend on the scope of these agreements.

Department of Land Conservation and Development (DLCD)

DLCD estimates the fiscal impact of this measure to be \$202,669 General Fund, 1 position, and 1.00 FTE for the 2021-23 biennium. This amount reflects the cost of one Planner 2 position. This position would consult with DEQ and EJC in the preparation of the environmental vulnerability assessments and in the production of the guidance and best practices reports.

Oregon Department of Agriculture (ODA)

ODA estimates the fiscal impact of this measure to be \$210,187 Total Funds [\$65,158 General Fund + 145,029 Other Funds], 1 position, and 0.75 FTE for the 2021-23 biennium; and \$276,784 Total Funds [\$85,803 General Fund + 190,981 Other Funds], 1 position, and 1.00 FTE for the 2023-25 biennium. This impact reflects the personal services and related services and supplies for one Operations and Policy Analyst 3 position to serve as the public advocate. ODA's existing citizen advocate currently dedicates about half time to environmental justice and Tribal work, this position would allow the ODA to fully engage in the work required by this measure. The position would be funded with a split of 31% General Fund and 69% Other Funds.

Oregon Parks and Recreation Department (OPRD)

OPRD's Governor's budget includes \$216,073 Lottery Fund for the addition of an Operations and Policy Analyst 3 position to serve as OPRD's diversity, equity, and inclusion expert. OPRD anticipates this position will also serve as OPRD's public advocate.

Office of the Governor

The measure directs the transfer of any unexpended balances authorized to be expended by the office of the Governor for purposes of the Environmental Justice Task Force for the 2021-23 biennium to DEQ for support of the EJC. Under current practice, there is no dedicated budget associated with the Environmental Justice Task Force within the Office of the Governor's budget. Any costs incurred by the Task Force since its establishment were expected to be absorbed within the Office of the Governor's operating budget.

This measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration of General Fund impact and position authority.