

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2993 - A

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

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

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Date: April 9, 2021

Measure Description:

Adds statement identifying how adoption of the rule will affect racial equity in Oregon to list of materials that must be included in notice prior to adoption, amendment or repeal of any rule.

Government Unit(s) Affected:

Statewide, Department of Land Conservation and Development (DLCD), Board of Parole and Post-Prison Supervision (BPPPS), Department of Corrections (DOC), Housing and Community Services Department (HCSD)

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See analysis.

Analysis:

HB 2993 A-Engrossed adds a statement identifying how adoption of the rule will affect racial equity in Oregon to list of materials that must be included in a notice prior to adoption, amendment or repeal of any administrative rule. Note that the measure does not define “racial equity.” Therefore, the term would need to be defined in rulemaking.

In addition, the measure requires that if an agency convenes rulemaking or fiscal impact advisory committee, the membership of the committee must represent the interests of person and communities affected by the rule. The measure specifies that an agency may not appoint an officer, employee, or other agent of the agency to serve as a member of the rulemaking or fiscal impact advisory committee. These requirements apply to notices of intent to adopt rules filed on or after January 1, 2022.

For the majority of state agencies, the fiscal impact of this measure is minimal. Each agency will use existing staff and resources to handle the increase in rulemaking workload as well as potential costs related to Department of Justice rule writing assistance that would likely increase due to advisory committee members having a stake in the wording of the rule changes. However, due to either the communities affected by agency rules, the complexity of its rules, the sheer number of rulemakings annually, or a combination of these factors, the following agencies anticipate needing additional staff in order to comply with the provisions of this measure:

Department of Land Conservation and Development (DLCD)

DLCD estimates reimbursement expenses and the cost of contracting with a facilitator to support those without adequate resources (e.g. individuals experiencing homelessness, people with disabilities) to serve on advisory committees to be approximately \$70,000 per biennium.

Board of Parole and Post-Prison Supervision (BPPPS)

BPPPS estimates the cost of an Administrative Specialist 2 position to serve as committee coordinator, related services and supplies, including Department of Justice expenses, to be \$288,693 General Fund, 1 position (1.00 FTE) per biennium.

Department of Corrections (DOC)

DOC estimates the cost of an Operations and Policy Analyst 3 position to convene and manage rulemaking advisory committees to be \$80,180 General Fund, 1 position (0.50 FTE) per biennium.

Housing and Community Services Department (HCSD)

HCSD estimates the cost of a Program Analyst 2 position to serve as committee coordinator, related services and supplies including Department of Justice expenses to be \$203,329 General, 1 position (1.00 FTE) per biennium.

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