

A-Engrossed
House Bill 2167

Ordered by the House May 5
Including House Amendments dated May 5

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs Office of Governor to study and make recommendations regarding certain proposals relating to state boards and commissions. Requires office to submit report on findings by January 1, 2023.]

Creates Racial Justice Council within Office of Governor. Directs council to report at least once per year on strategies designed to institutionalize racial justice into conduct of state business.

Directs council to provide advice and recommendations to Governor relating to racial justice. Directs council to advise and assist state agencies in creating racial impact statements for programs in agency request budgets. Directs council to communicate with Legislative Assembly to monitor investments in and track progress toward racial equity.

Requires state agencies to include racial impact statements with agency request budgets. Requires Governor's budget to include narrative summarizing racial impact statements.

A BILL FOR AN ACT

Relating to state entities; creating new provisions; and amending ORS 291.206 and 291.216.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Racial Justice Council is created within the Office of the Governor.

(2) The membership of the council consists of the Governor, as chairperson, and no more than 40 additional members appointed by and serving at the pleasure of the Governor, subject to the following requirements:

(a) Each member must have a demonstrated commitment to racial equity, social and economic justice and diversity and inclusion;

(b) Each member must have connections to, or experience working with, historically underserved communities, particularly tribal communities, immigrants, refugees and communities of Black or Indigenous people or other people of color;

(c) Each member must have personal or professional experience and knowledge in public policy, criminal justice reform, police accountability, economic opportunity, housing, homelessness, health equity, behavioral health, education or research; and

(d) Appointments to the council must be made to ensure representation of the racial, gender and geographical diversity of Oregon.

(3) The Governor may assign one or more members to serve as a liaison between the council and the advocacy commissions.

(4)(a) The Governor shall establish committees to address policies of interest to the council. A committee may address multiple policy areas.

(b) The Governor shall appoint each council member to at least one committee. The

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Governor may appoint additional individuals who are not members of the council to serve
2 as voting or nonvoting members of a committee, provided that:

3 (A) Public officials who serve in the legislative or judicial branch may serve only as
4 nonvoting members of a committee; and

5 (B) Members of the Legislative Assembly may serve on a committee only if the commit-
6 tee includes an equal number of members from each chamber of the Legislative Assembly.

7 (c) Committees shall report to the council. The council shall approve or disapprove rec-
8 ommendations of a committee.

9 (d) Appointments to each committee must be made to ensure representation of the ra-
10 cial, gender and geographical diversity of Oregon.

11 (5) The term of a member of the council is two years. Members are eligible for reap-
12 pointment. If there is a vacancy for any cause, the Governor shall make an appointment to
13 become immediately effective for the unexpired term.

14 (6) Members of the council are not entitled to compensation under ORS 292.495. The
15 chair, in the chair's discretion, may reimburse members of the council as provided in ORS
16 292.495 for actual and necessary travel or other expenses incurred in the performance of
17 their duties as members of the council.

18 (7) Official action by the council requires modified consensus of the members of the
19 council.

20 (8) The council shall meet at times and places specified by the call of the chairperson.

21 (9) All agencies of state government, as defined in ORS 174.111, are directed to assist the
22 council in the performance of its duties and, to the extent permitted by laws relating to
23 confidentiality, to furnish such information and advice as the council considers necessary to
24 perform its duties.

25 (10) At least once per year, the council shall report to the Legislative Assembly, the
26 Secretary of State, the Bureau of Labor and Industries, the State Treasurer and the Attor-
27 ney General. The report must describe strategies designed to institutionalize racial justice
28 into the conduct of state business and may include other matters pertinent to dismantling
29 systemic and institutional racism.

30 (11) As used in this section:

31 (a) "Advocacy commission" means the Commission on Asian and Pacific Islander Affairs,
32 the Commission on Black Affairs and the Commission on Hispanic Affairs.

33 (b) "Racial justice" means systematic fair treatment of people of all races that results
34 in equitable opportunities and outcomes for all people.

35 **SECTION 2.** Notwithstanding the term length specified in section 1 (5) of this 2021 Act
36 for members of the Racial Justice Council, the Governor shall appoint half, rounding down,
37 of the members initially appointed to the council for an initial term of one year.

38 **SECTION 3.** (1) The Racial Justice Council shall provide advice and recommendations to
39 the Governor relating to racial justice, which may include:

40 (a) Recommending changes to state policies, practices, budgets and structures to align
41 them within a racial justice and equity framework.

42 (b) Creating action plans to promote racial justice in areas including criminal justice,
43 police accountability, housing and homelessness, human services, economic opportunity,
44 health equity, environmental equity and education recovery.

45 (c) Developing long-term strategies to institutionalize racial justice into the conduct of

1 state business.

2 (d) Establishing and maintaining communication between community leaders and the
3 Office of the Governor.

4 (e) Identifying areas of potential future collaboration with the state and outside
5 stakeholders.

6 (f) Directing the collection of data from across sectors of society to support data-driven
7 policy decisions.

8 (g) Providing principles and recommendations that center racial justice to the Governor
9 to inform the Governor's budget and tax expenditure report required under ORS 291.202.

10 (h) Monitoring progress on programs and investments recommended by the council, in
11 cooperation with the Office of the Governor, the official responsible for cultural change in
12 the Oregon Department of Administrative Services, the Chief Data Officer appointed under
13 ORS 276A.353 and other agencies or officials as appropriate.

14 (2) The council shall advise and assist state agencies in creating racial impact statements
15 for programs included in agency request budgets under ORS 291.206.

16 (3) The council shall establish and maintain avenues of communication with appropriate
17 officers and committees of the Legislative Assembly to monitor investments in and track
18 progress toward racial equity.

19 (4) As used in this section, "racial justice" has the meaning given that term in section
20 1 of this 2021 Act.

21 **SECTION 4.** ORS 291.206 is amended to read:

22 291.206. (1) The Governor shall prescribe rules the Governor considers necessary for the guid-
23 ance of agencies in the preparation of agency request budgets. The Governor shall use the classi-
24 fications of expenditures provided in ORS 291.216 (6)(a) and shall prepare and prescribe
25 classifications of revenue for the purpose of budget-making and accounting.

26 (2) Insofar as practicable, agency request budgets and appropriation measures shall be prepared
27 in a manner that reflects state governmental organization and state agency duties, functions and
28 powers under the law in effect on January 1 of the following year. The Oregon Department of Ad-
29 ministrative Services shall maintain agency request budgets in the form in which they are submitted.

30 (3) As supplemental information, each agency request budget shall include options for a 10 per-
31 cent reduction from the estimate of the projected costs of continuing currently authorized activities
32 or programs for the next biennium, excluding debt service. Each state agency shall describe the 10
33 percent reduction in terms of the activities or programs that the agency will not undertake. The
34 activities or programs must be ranked in order of importance and priority on the basis of lowest cost
35 for benefit obtained.

36 (4) As supplemental information, each agency request budget shall include a racial impact
37 statement, which must be developed in consultation with the Racial Justice Council. The
38 racial impact statement must describe the impact of programs, policies and budget modifi-
39 cations on Oregonians who are Black, Indigenous or other people of color.

40 **SECTION 5.** ORS 291.216 is amended to read:

41 291.216. (1) The Governor's budget shall include a budget message prepared by the Governor,
42 including recommendations of the Governor with reference to the fiscal policy of the state govern-
43 ment for the coming biennium, describing the important features of the budget, embracing a general
44 budget summary setting forth the aggregate figures of the budget so as to show a balanced relation
45 between the total proposed expenditures and the total anticipated income, with the basis and factors

1 on which the estimates are made, the amount to be borrowed, and other means of financing the es-
2 timated expenditures for the ensuing biennium, compared with the corresponding figures for at least
3 the last completed biennium and the current biennium.

4 (2) The Governor's budget shall be supported by explanatory schedules or statements, classifying
5 the expenditures reported in the budget, both past and proposed, by organization units, objects and
6 funds, and the income by organization units, sources and funds, and the proposed amount of new
7 borrowing as well as proposed new tax or revenue sources, including a single comprehensive list
8 of all proposed increases in fees, licenses and assessments assumed in the budget.

9 (3) The Governor's budget shall be submitted for all dedicated funds, as well as the state Gen-
10 eral Fund, and shall include the estimated amounts of federal and other aids or grants to state
11 agencies or activities provided for any purpose whatever, together with estimated expenditures
12 therefrom.

13 (4) The Governor's budget shall embrace the detailed estimates of expenditures and revenues.
14 It shall include:

15 (a) Statements of the bonded indebtedness of the state government, showing the actual amount
16 of the debt service for at least the past biennium, and the estimated amount for the current
17 biennium and the ensuing biennium, the debt authorized and unissued, the condition of the sinking
18 funds and the borrowing capacity.

19 (b) The Governor's recommendations concerning tax expenditures identified under ORS 291.214.

20 (c) Any statements relative to the financial plan which the Governor may consider desirable or
21 which may be required by the Legislative Assembly.

22 (5) The Governor's budget shall use the estimated revenues under ORS 291.342 for the fiscal
23 year in which the budget is submitted as the basis for total anticipated income under subsection (1)
24 of this section, subject to adjustment as may be necessary to reflect accurately projections for the
25 next biennium.

26 (6)(a) The Governor's budget shall present information regarding the expenses of the state in the
27 following categories:

28 (A) Personnel expenses, including compensation and benefits for state employees, but excluding
29 costs of services contracted out and temporary service costs.

30 (B) Supplies, equipment and the costs of services contracted out.

31 (C) Special payments.

32 (D) Capital construction.

33 (E) Capital outlay.

34 (F) Debt service.

35 (b) For each category described in paragraph (a) of this subsection, the budget shall show actual
36 expenditures for the prior biennium and estimated expenditures for the current biennium.

37 (c) As supplemental information to the budget, the Governor shall include an estimate of the
38 projected costs of continuing currently authorized programs in the next biennium. The estimate shall
39 include, but is not limited to the projected costs of:

40 (A) Removing one-time expenditures;

41 (B) Program phase-ins and phase-outs;

42 (C) Personnel expenses compared to existing compensation plan agreements, including position
43 vacancy experience calculations;

44 (D) Inflation for services, supplies and medical costs;

45 (E) Transfers between state funds or accounts;

- 1 (F) Mandated caseload changes; and
2 (G) Debt service for previously issued debt.
3 (d) The budget shall show the total increase in the cost of salaries and benefits for all state
4 positions.
5 (7) The Governor's budget shall include:
6 (a) The total number of positions and full-time equivalent positions included in the budget.
7 (b) The average vacancy rate in the present biennium.
8 (c) The number of permanent, full-time equivalent vacancies as of July 1 of even-numbered years.
9 (8) The Governor's budget shall include computations showing budget figures as a percentage
10 of the total General Fund, federal fund, fee or other source category, as may be appropriate.
11 (9) The Governor's budget shall include, in a format that provides side-by-side comparison with
12 the State Debt Policy Advisory Commission report of net debt capacity, a six-year forecast, by debt
13 type and repayment source, of:
14 (a) That portion of the capital construction program required to be reported by ORS 291.224 that
15 will be financed by debt issuance.
16 (b) The acquisition of equipment or technology in excess of \$500,000 that will be financed by
17 debt issuance.
18 (c) Other state agency debt issuance for grant or loan purposes.
19 (10) The Governor's budget shall include the outcomes-based budgeting information required by
20 ORS 291.217 (2) and (3).
21 (11) The Governor's budget shall include recommendations regarding available funds that could
22 be used to make lump sum payments to the Public Employees Retirement System under ORS 238.229.
23 **(12) The Governor's budget shall include a narrative summarizing the racial impact**
24 **statements required under ORS 291.206.**

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