

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 4077 - A4**

81st Oregon Legislative Assembly – 2022 Regular Session  
Legislative Fiscal Office

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

Prepared by: Haylee Morse-Miller  
Reviewed by: Tom MacDonald, Matt Stayner, Zane Potter, John Terpening, Paul Siebert, Michelle Deister,  
Tim Walker, Ben Ruef, Amanda Beitel, Kim To, Julie Neburka  
Date: February 23, 2022

**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 Advocacy Commissions Office (OACO), Oregon Health Authority (OHA), Oregon Watershed Enhancement Board (OWEB), Commission on Indian Services (CIS), Department of Fish and Wildlife (ODFW), Department of State Lands (DSL), Oregon Department of Agriculture (ODA), Oregon Parks and Recreation Department (OPRD), Public Universities, Department of Energy (DOE), Department of Geology and Mineral Industries (DOGAMI), Office of the Governor, Oregon Department of the State Fire Marshall (OSFM), Oregon State Police (OSP), Water Resources Department (WRD), Department of Administrative Services (DAS), Department of Forestry (ODF), Higher Education Coordinating Commission (HECC), Oregon Department of Transportation (ODOT), Oregon State Marine Board (OSMB), Public Utility Commission (PUC), Oregon Department of Education (ODE)

**Summary of Fiscal Impact:**

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

**Summary of Expenditure Impact:**

	<b>2021-23 Biennium</b>	<b>2023-25 Biennium</b>
General Fund	\$639,461	\$1,180,001
Other Funds	129,937	259,874
<b>Total Funds</b>	<b>\$769,398</b>	<b>\$1,439,875</b>
Positions	4	4
FTE	1.96	4.00

**Analysis:**

HB 4077 - A changes the name of the “Environmental Justice Task Force” to the “Environmental Justice Council” and establishes the Council within the Office of the Governor. This measure changes the composition and number of council members, from 12 to 13. The Office of the Governor is authorized to enter into an interagency agreement with the Department of Environmental Quality to provide clerical and administrative support, and to share in the costs of the Council.

The Council’s scope of work is expanded to include provision of consultation and review of a natural resource agency’s proposed administrative rules upon request. Additionally, the Council is directed to report to the Governor and the Legislative Assembly every five years on various environmental justice topics, in addition to a separate annual and separate biannual report required under this measure.

This measure adds the State Parks and Recreation Department, the State Department of Energy, and the Oregon Watershed Enhancement Board to the definition of “natural resource agency” as used in ORS 182.535 to 182.550; and removes the Department of Education from this definition. These entities are required to consider

effects of their actions on environmental justice communities, hold hearings at times and locations convenient for people in the communities affected by the decisions, to create a public advocate position, and to report annually to the Governor and the Council on their environmental justice efforts.

Finally, this measure directs the Council, in collaboration with the Department of Administrative Services (DAS) Enterprise Information Services division, the Oregon State University (OSU) Institute for Natural Resources, the Portland State University (PSU) Population Research Center, and natural resource agencies, with staff support from DEQ and the Oregon Health Authority (OHA), to develop an environmental justice mapping tool. The environmental justice mapping tool is to be developed using an inclusive community engagement process with at least six meetings in different regions of the state. DAS Enterprise Information Services is directed to recommend data quality standards and methodologies for development and maintenance of the mapping tool. The OSU Institute of Natural Resources is to maintain the mapping tool and make it available electronically through the Oregon Explorer. The tool is to be reviewed and updated using an inclusive community engagement process at least once every four years. The tool may be used by natural resource agencies when developing administrative rules and agency policies and programs. This tool is to be developed no later than September 15, 2025, with a progress report to the Governor no later than September 15, 2024.

This measure takes effect on the 91st day after the Legislative Assembly adjourns sine die, with the measure largely operative on August 1, 2022.

The Office of the Governor reports that there is an understanding that, upon passage of this measure, the Governor's Office intends to enter into an agreement with DEQ in which DEQ is responsible for the expenses and staff support of the Environmental Justice Council.

#### Department of Environmental Quality

Based on the above understanding, the Department anticipates hiring two new permanent, full-time positions (each 0.50 FTE in 2021-23 and 1.00 FTE in 2023-25): one Operations and Policy Analyst 3 to provide program and administrative support to the Environmental Justice Council, and one Research Analyst 4 to support development of the environmental justice mapping tool and to maintain and update the mapping tool data. Total costs of these positions, as well as costs to provide policy and community engagement expertise to the Environmental Justice Council, are estimated at \$324,520 General Fund in the 2021-23 biennium, and \$649,684 General Fund in the 2023-25 biennium.

#### Public Universities

The OSU Institute for Natural Resources and the PSU Population Research Center each anticipate a fiscal impact related to development of the environmental justice mapping tool. OSU anticipates costs \$108,691 General Fund for the 2021-23 biennium, and \$210,988 General Fund for the 2023-25 biennium, while PSU estimates costs of \$82,664 for the 2021-23 biennium, and \$185,559 General Fund for the 2023-25 biennium. Costs are related to participation in stakeholder meetings; inventorying and gathering data; creating a beta version of the mapping tool and testing and refining functionality; identifying governance structure, maintenance needs, and needed analytics; and releasing the final mapping tool on Oregon Explorer. There will be minimal ongoing costs for mapping tool maintenance after the 2023-25 biennium to ensure usability for the public.

#### Department of Administrative Services

The Department of Administrative Services anticipates hiring one permanent, full-time Operations and Policy Analyst 4 (0.50 FTE in 2021-23 and 1.00 FTE in 2023-25) to work on data governance and quality control for the environmental justice mapping tool. Total costs of this position and associated Services and Supplies are estimated at \$129,937 Other Funds in the 2021-23 biennium and \$259,874 Other Funds in the 2023-25 biennium. Other Funds are derived from assessments on state agencies, and some of these funds originate as General Fund.

### Oregon Health Authority

The Oregon Health Authority would hire one full-time, limited duration Research Analyst 4 (0.46 FTE in 2021-23, 0.50 FTE in 2023-25) to work on development of the environmental justice mapping tool. Total costs of this position are estimated at \$123,586 General Fund in the 2021-23 biennium, and \$133,770 General Fund in the 2023-25 biennium.

### Other state agencies

There is no or minimal fiscal impact for the Public Utility Commission, Commission on Indian Services, Oregon State Marine Board, Department of State Lands, Department of Fish and Wildlife, Department of Land Conservation and Development, Oregon Department of the State Fire Marshall, Oregon State Police, Oregon Department of Agriculture, Higher Education Coordinating Commission, Department of Forestry, Oregon Department of Transportation, Department of Geology and Mineral Industries, Department of Education, Oregon Advocacy Commissions Office, and Oregon Watershed Enhancement Board.

The Oregon Parks and Recreation Department reports minimal fiscal impact as the agency already has a Diversity, Equity and Inclusion position budgeted for in the agency who will assume a public advocate role and work on environmental justice issues.

Similarly, the Oregon Department of Energy anticipates a minimal fiscal impact. The agency has a Strategic Engagement Team that would likely be able to take on the work of a public advocate as outlined in the measure; however, depending on the volume of workload required with this or other legislation being considered this session, the agency may need to return to the Legislature in 2023 to request additional resources.

The Water Resources Department reports an indeterminate impact. The agency notes that the extent of the consultation work required under this measure is not clear, and the agency may need to return to the Emergency Board or a future legislative session to request additional resources if current staff are unable to absorb this work.