

Racial and Ethnic Impact Statements

Presentation to the House Interim Committee on Rules



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Background

House Bill 4107 A (2022) would have required the LPRO director to:

- develop a template for racial and ethnic impact (REI) statements;
- use the template on six measures from the 2021 legislative session;
- propose a policy on REI statement use in the legislative process; and
- prepare racial and ethnic impact statements for each committee related to health care, education, revenue, human services, housing, and administration of justice during each odd-numbered year, regular sessions, beginning in 2023.

81st OREGON LEGISLATIVE ASSEMBLY--2022 Regular Session

A-Engrossed House Bill 4107

Ordered by the House February 18
Including House Amendments dated February 18

Sponsored by Representative SMITH WARNER; Representatives ALONSO LEON, NELSON (Presession filed.)

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 Legislative Policy and Research Director to *study use of impact statements in legislative deliberations and to report findings to Legislative Policy and Research Committee on or before February 1, 2023.* develop pilot racial and ethnic impact statement template containing specified items. Requires director, following conferral with Senate and House Interim Committees on Rules, to select six measures enacted during 2021 regular session, apply pilot template to all six measures and report findings, process and experience on preliminary basis to House Interim Committee on Rules. Permits director, following feedback provided by House Interim Committee on Rules, to modify template and then provide final impact statements and process report to Senate and House Interim Committees on Rules and to policy committees that had heard test measures during 2021 regular session.

Requires director, following presentations to interim committees, to propose policy to Legislative Policy and Research Committee that describes content, objectives and form of racial and ethnic impact statements. Requires committee to deliberate on, modify where appropriate, and adopt policy.

Requires director, for odd-numbered year regular sessions occurring in 2023 or later years, to prepare racial and ethnic impact statements on limited number of legislative measures within specified policy areas. Requires statements to be prepared in conformance with policy adopted by Legislative Policy and Research Committee.

Requires director, following completion of 2023 regular session, to report to House Interim Committee on Rules on racial and ethnic impact statement process. Authorizes committee to consider applying impact statement process to additional policy areas, even-numbered year regular sessions, special sessions and meetings of Emergency Board.

[Takes effect on 91st day following adjournment sine die.]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to impact statements; and declaring an emergency.

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

4 **SECTION 1.** (1) The Legislative Policy and Research Director shall develop a pilot racial
5 and ethnic impact statement template. The pilot template shall set forth:

6 (a) Standard questions to be considered in the preparation of a racial and ethnic impact
7 statement for proposed legislation;

8 (b) Sources of data to be considered in the preparation of a racial and ethnic impact
9 statement for proposed legislation; and

10 (c) Sources of research to be considered in the preparation of a racial and ethnic impact
11 statement.

12 (2) In preparing the pilot template, the director shall consider models used in other
13 states and in academic research for assessing the racial and ethnic impacts of proposed
14 legislation and other formal actions undertaken by the institutions of national, state and lo-
15 cal governments and other entities in the United States, including educational institutions.

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.

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Background

Strategies to maintain nonpartisanship and trust in products:

- Data driven
- Care in crafting answerable, standard questions
- Review of prototypes before rollout
- Iterative process incorporating feedback on product, especially findings/ conclusions

Although the measure was not enacted, the LPRO Director was asked to:

- prototype a template for REI statements;
- select and model two to four legislative measures; and
- present the results to the House Interim Committee on Rules before February 2023.

REI Statement Pilot

LPRO reviewed similar statements authorized in Oregon for bills related to criminal justice and related materials from Colorado, Connecticut, Iowa, Maine, New Jersey and Washington.



Content of an REI Statement

LPRO developed a draft REI statement template with the following sections:

- **background** of the bill's key legislative provisions
- **demographic context** - identified population(s)
- **direct impacts** – by policy area(s)
- **impact summary** – identification and analysis of potentially affected population group(s), if any
- **limitations** – list of data sources; methodological limitations



RACIAL AND ETHNIC IMPACT STATEMENT

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

Measure/Version:
Bill Title:

Date:

Summary:

Direct Impact(s): ☐ Economic ☐ Education ☐ Employment
☐ Health ☐ Housing ☐ Public Safety

Language Note: To maximize clarity, this analysis uses terms defined in statute and rule that may not align with current social standards and practices for communicating about race, ethnicity, or immigration status.

Disclaimer: The following Racial and Ethnic Impact Statement is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization, and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose nor make any endorsement or recommendation by the Legislative Policy and Research Office (LPRO).

SUMMARY

[brief summary of the measure]

BACKGROUND

[background on the policy issue]

AFFECTED POPULATIONS

[demographic context]

DIRECT IMPACT(S)

[direct impacts as identified above]

LIMITATIONS

[data and methodology limitations]

REI Statement Pilot

Measure #1

House Bill 3352 (2021)

Expands Medicaid eligibility to low-income adult residents 19 years or older regardless of immigration status.

Outcome

LPRO research staff used census data to estimate the number of, and provide demographic context for, adult foreign-born, noncitizen residents without health insurance who may meet the Medicaid financial eligibility requirements.



RACIAL AND ETHNIC IMPACT STATEMENT

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

Bill Title: Relating to access to health care; and prescribing an effective date.

Summary: Renames Health Care for All Oregon Children program as Cover All People program and expands eligibility to adults who would qualify for state-funded medical assistance program but for their immigration status. Takes effect on 91st day following adjournment sine die.

Direct Impact(s): ☐Economic ☐Education ☐Employment
☒Health ☐Housing ☐Public Safety

SUMMARY

Pursuant to XXX, Reps. R and D have requested LPRO to complete a racial and ethnic impact statement on the A-Engrossed version of House Bill 3352 (2021 regular session; hereafter, HB3352-A). As part of this analysis, LPRO will consider potential impacts of HB 3352-A by race and ethnicity to the extent outcomes are predictable and data for requisite modeling is available. Specifically, LPRO will examine how direct effects of HB 3352-A will be experienced by individuals and communities of different races and ethnicities. Direct effects of HB 3352-A may include outcomes related to health.

HB 3352-A would, among other things, amend eligibility requirements for a medical assistance program administered by the state of Oregon. HB 3352-A would allow otherwise eligible adult—defined in the bill as “a person 19 years of age or older”—residents to be eligible for medical assistance through the state regardless of their immigration status (Sec. 1). This assistance would be made available through the Cover All People program, as renamed by this legislation, to be administered by the Oregon Health Authority (OHA). HB 3352-A would also require the OHA to “implement the outreach, education and engagement strategies to most effectively encourage enrollment in the program” (Sec. 2). The Cover All People program, as amended, would begin on March 31, 2022, and the outreach activities would begin on November 21, 2021 (Sec. 7).

The following analysis considers only the provisions included within the A-Engrossed version of HB 3352 and does not speak to any further amendment of the bill that may be incorporated.

REI Statement Pilot

Measure #2

House Bill 2001 (2019)

Requires local zoning laws to allow for multi-unit residential structures in lands zoned for single-family dwellings.

Outcome

Research staff used census data to provide demographic context for Oregon households based on the number of dwelling units.

Appropriate data are not available to produce a reliable analysis of the impact of the legislation to market rents based on race and ethnicity.



LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

RACIAL AND ETHNIC IMPACT STATEMENT

Measure/Version: House Bill 2001 A **Date:** [\[BACK IN TIME\]](#)
Bill Title: Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.
Summary: Requires cities with population of at least 10,000 to allow duplexes in lands zoned for single-family dwellings within urban growth boundary. Requires Metro counties and cities and cities with population of at least 25,000 to allow middle housing in lands zoned for residential uses within urban growth boundary. Defines "Middle housing" to mean "(A) Duplexes; (B) Triplexes; (C) Quadplexes; (D) Cottage clusters; and (E) Townhouses." Appropriates moneys to Department of Land Conservation and Development to provide technical assistance to local governments in implementing middle housing regulations and to plan improvement of urban services supporting middle housing. Requires Department of Consumer and Business Services to establish alternate approval standards for low-rise middle housing conversions. Prohibits enforcement of new restrictions that would prohibit the construction of middle housing in governing documents for planned communities or instruments conveying title to real property. Prohibits conditioning approval of accessory dwelling unit within urban growth boundary on off-street parking availability or owner occupancy. Declares emergency, effective on passage.
Direct Impact(s): ☐ Economic ☐ Education ☐ Employment
☐ Health ☒ Housing ☐ Public Safety
Language Note: To maximize clarity, this analysis uses terms defined in statute and rule that may not align with current social standards and practices for communicating about race, ethnicity, or immigration status.
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REI Statement Pilot

Measure #3

House Bill 4002 (2022)

Establishes maximum hour and overtime wage requirements for Oregon agricultural workers.

Outcome

Research staff used census data to provide demographic context for Oregon's agricultural industry.

Appropriate data are not available to produce a reliable analysis of the impact of the legislation to industry wages based on race and ethnicity.



RACIAL AND ETHNIC IMPACT STATEMENT

Measure/Version: House Bill 4002-A **Date:** [\[BACK IN TIME\]](#)
Bill Title: Relating to overtime for agricultural workers; and prescribing an effective date.

Summary: With some exemptions, HB 4002-A would prohibit employers from permitting or requiring specified agricultural workers to work in excess of maximum allowable hours unless workers are compensated for overtime hours worked. HB 4002-A would create refundable income or corporate tax excise tax credit to help partially offset amount of wages paid as overtime pay to agricultural workers. Tax credit would apply to tax years beginning on or after January 1, 2023, and before January 1, 2029. HB 4002-A would take effect on 91st day following adjournment sine die.

Direct Impact(s): ☐ Economic ☐ Education ☒ Employment
☐ Health ☐ Housing ☐ Public Safety

Language Note: In order to maximize clarity, this analysis uses terms defined in statute and rule that may not align with current social standards and practices for communicating about race, ethnicity, or immigration status.

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SUMMARY

Pursuant to [MEASURE/STATUTE], [LAWMAKER/S] have requested LPRO complete a racial and ethnic impact statement on the A-Engrossed version of House Bill 4002 (2022). As part of this analysis, LPRO will consider potential impacts of HB 4002-A by race and ethnicity to the extent outcomes are predictable and data for requisite modeling is available. Specifically, LPRO will examine how direct effects of HB 4002-A may potentially be experienced by individuals and communities of Oregonians of different races and ethnicities. HB 4002-A directly impacts the employment of

Lessons Learned

Demographics can provide context; insufficient to predict impacts

Appropriate data and methods are sometimes available to provide demographic context but are often not available at the level necessary to credibly estimate either direct or indirect impacts based on race or ethnicity.

Demographics can sometimes be provided

Appropriate data and methods are sometimes available to provide demographic context, depending on scope and scale.

Impacts are unpredictable

It may be difficult to predict how policy implementation translates to racial and ethnic impacts.

Creation of REIs require specific expertise and data

Like fiscal and revenue impact statements, REI statements may need to be prepared in coordination with appropriate state agencies.

Volume, scope, and timing will determine agency costs

The number of measures analyzed, complexity of analysis, and timing of analysis within the legislative process will inform the staff necessary to produce REI statements.

Legislative Considerations

What is the intended purpose of the REI statement?

Is there utility with statements that will likely provide different levels of analysis including statements with limited to no analysis due to inadequate, incomplete, or missing data?

What version of a bill or when in the process should it be analyzed? Should the statement be updated as the measure is amended?

How will impact statements be requested or what would trigger the need for an impact statement?

Should impact statements be coordinated with appropriate state agencies?

How, if at all, should lawmakers, the public, or stakeholders have the opportunity to comment on impact statements?

Will there be any limits on the number of impact statements that can be requested?

Questions?

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