

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 841**81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office*Only Impacts on Original or Engrossed
Versions are Considered Official*Prepared by: Tim Walker
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Date: 04/07/2021**Measure Description:**

Appropriates moneys from General Fund to Department of Justice for purposes of funding Environmental Crimes and Cultural Resources Enforcement Unit of department.

Government Unit(s) Affected:

Department of Justice (DOJ), Department of Fish and Wildlife (ODFW), Department of Environmental Quality (DEQ)

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

	2021-23 Biennium	2023-25 Biennium
General Fund	\$1,600,000	
Other Funds	-3,373,639	
Total Funds	-\$1,773,639	\$0
Positions	--	
FTE	--	

Analysis: This measure appropriates \$1.6 million General Fund to the Department of Justice (DOJ) for the Environmental Crimes and Cultural Resources Enforcement Unit (ECRU).

DOJ's Civil Enforcement Division's ECRU handles criminal prosecutions under state and federal environmental laws, including water and air pollution, hazardous waste, and wildlife poaching prosecutions. After beginning informal operations in 2009, the ECRU was established budgetarily by the Legislature in 2013 with the consolidation of existing agency resources from the Criminal Justice and Trial divisions into the Civil Enforcement Division.

The ECRU has a 2021-23 current service level budget includes four positions (4.00 FTE), of which two are attorneys, one an investigator, and one a paralegal. According to DOJ, the impact of the measure would be to reduce personal services by \$1,312,362 Other Funds, reduce associated service and supplies by \$290,887 Other Funds, and also reduce services and supplies - Attorney General line-Item by an additional \$1,770,390 Other Funds (i.e., the amount of internal agency billing of ECRU to the Protection and Education Account). The General Fund impact would then be \$1,312,362 for Personal Services and \$290,887 for associated Service and Supplies for a total of \$1,603,249, which exceeds the appropriation in the measure by \$3,249.

The funding of DOJ's criminal prosecutions under state and federal environmental laws has varied over

biennia. Originally, such activities were funded from hourly billings to state agencies. Then, during the Legislative Session in 2009, the agency sought, and was provided, the legal authority to use of the Protection and Education Account to fund its activities with the understanding that ECRU to be financially self-supporting through legal settlements or recoveries [see SB 797 (2009)]. Of note is that Protection and Education Account litigation settlements and restitution above the account's expenses, which are financially material, are routinely reappropriated to the General Fund and used for general governmental purposes.

ECRU, however, has only produced nominal revenue from litigation settlements and restitution and well below the cost of operating the Unit. HB 4304 (2020), as part of an effort to balance the General Fund budget, returned ECRU funding to the hourly billing rate model and thereby increased the amount of Protection and Education Account revenue available for transfer to the General Fund. SB 841 would fund ECRU with General Fund; however, some ECRU activities may still be eligible to be billed to state agencies (e.g., anti-poaching activities).

The Oregon Department of Fish and Wildlife and the Department of Environmental Quality do not anticipate a fiscal impact due to this bill.