

Enrolled
House Bill 4077

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

CHAPTER

AN ACT

Relating to environmental justice; creating new provisions; amending ORS 182.535, 182.538, 182.542, 182.545 and 182.550 and sections 30 and 32, chapter 508, Oregon Laws 2021; and prescribing an effective date.

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

**RENAMING AND REORGANIZING THE
ENVIRONMENTAL JUSTICE TASK FORCE
(Organization and Duties of Environmental Justice Council)**

SECTION 1. (1) The amendments to ORS 182.538 and 182.542 by sections 2 and 3 of this 2022 Act are intended to change the name of the “Environmental Justice Task Force” to the “Environmental Justice Council” and establish the council within the office of the Governor.

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating the “Environmental Justice Task Force,” wherever they occur in statutory law, other words designating the “Environmental Justice Council.”

SECTION 2. ORS 182.538 is amended to read:

182.538. [(1) *There is established the Environmental Justice Task Force consisting of 12 members appointed by the Governor. The members shall be persons who are well-informed on the principles of environmental justice and who, to the greatest extent practicable, represent minority communities, low-income communities, environmental interests, industry groups and geographically diverse areas of the state. Of the 12 members, the Governor shall appoint one member of the task force from each of the following commissions:*]

[*(a) The Commission on Asian and Pacific Islander Affairs;*]

[*(b) The Commission on Black Affairs;*]

[*(c) The Commission on Hispanic Affairs; and*]

[*(d) The Commission on Indian Services.*]

(1) The Environmental Justice Council is established within the office of the Governor. The council consists of 13 members appointed by the Governor. The members must be persons who, to the greatest extent practicable, represent minority communities, low-income communities, environmental interests, industry groups and geographically diverse areas of this state. The members shall be appointed as follows:

(a) Eight members shall be persons who have expertise and knowledge in environmental justice, as well as expertise in at least one of the following areas:

- (A) Climate change, climate resilience or climate justice;
- (B) Environmental laws, regulations and standards;
- (C) Natural resources management;
- (D) Land use planning and development;
- (E) Sustainability;
- (F) Community organizing;
- (G) Civil rights and disability rights;
- (H) Environmental health;
- (I) Energy;
- (J) Agricultural operations and food systems;
- (K) Water planning and management; or
- (L) Forest management.

(b) Of the members appointed under paragraph (a) of this subsection, at least one shall represent remote communities, at least one shall represent rural communities and at least one shall represent coastal communities. The Governor may solicit nominations for members described in this paragraph from community-supported natural resource collaboratives.

(c) One member shall be appointed from among persons nominated by the Commission on Asian and Pacific Islander Affairs.

(d) One member shall be appointed from among persons nominated by the Commission on Black Affairs.

(e) One member shall be appointed from among persons nominated by the Commission on Hispanic Affairs.

(f) One member shall be appointed from among persons nominated by the Commission on Indian Services.

(g) One member shall be appointed as a youth representative, who must be at least 16 but no more than 24 years of age when appointed.

(2) The *[task force]* council shall submit an annual report to the Governor and the interim committees of the Legislative Assembly related to the environment, in the manner provided under ORS 192.245, setting forth its view of the progress of natural resource agencies toward achieving the goals established pursuant to ORS 182.542 and identifying any other environmental issues that the *[task force]* council determines need attention.

(3) The term of office of each member is four years, *[but a]* except that the term of office of the member appointed as youth representative is two years. A member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 of the following year. A member may be reappointed. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the *[task force who is not a member of the Legislative Assembly]* council is entitled to compensation and expenses in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses incurred in performing functions of the *[task force]* council shall be paid out of funds appropriated to the Governor for that purpose.

(5) The *[task force]* council shall elect one of its members as a chairperson and another as vice chairperson, for the terms and with the duties and powers necessary for the performance of the functions of such offices as the *[task force]* council determines.

(6) A majority of the members of the *[task force]* council constitutes a quorum for the transaction of business.

(7) The *[task force]* council shall meet at least once every three months at times and places specified by the chairperson. The *[task force]* council also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the *[task force]* council.

(8) *[The Governor shall provide the task force with the necessary clerical and administrative staff support.]* The office of the Governor may enter into an interagency agreement under ORS 190.110 with the Department of Environmental Quality for purposes of providing clerical and

administrative staff support to the council and for sharing in the administrative or other expenses of the council.

(9) Natural resource agencies **and other state agencies as requested by the council** are directed to assist the *[task force]* **council** in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the *[task force]* **council** consider necessary to perform their duties.

[(10) A member of the task force who is a member of the Legislative Assembly may serve in an advisory capacity only.]

SECTION 3. ORS 182.542 is amended to read:

182.542. (1) The Environmental Justice *[Task Force]* **Council** shall:

[(1)] (a) Advise **and provide a biannual report to** the Governor on environmental justice issues;

[(2)] (b) Advise natural resource agencies on environmental justice issues, including community concerns and public participation processes;

[(3)] (c) Identify, in cooperation with natural resource agencies, *[minority and low-income communities that may be affected by environmental decisions made by the agencies]* **environmental justice communities;**

[(4)] (d) Meet with environmental justice communities and make recommendations to the Governor regarding concerns raised by these communities; *[and]*

[(5)] (e) Define environmental justice issues in the state[.]; **and**

(f) Upon the request of a natural resource agency, provide consultation and review of a natural resource agency's proposed administrative rules under ORS 183.333 (1).

(2) The council may form work groups or consult with stakeholders as necessary to carry out the duties of the council.

(Finance)

SECTION 4. (1) The unexpended balances of amounts authorized to be expended by the office of the Governor for purposes of the Environmental Justice Task Force for the biennium ending June 30, 2023, from revenues dedicated, continuously appropriated, appropriated or otherwise made available to the office, are available for expenditure by the office for purposes of the Environmental Justice Council for the biennium ending June 30, 2023.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the Environmental Justice Task Force remain applicable to expenditures by the Environmental Justice Council under this section.

(Action, Proceeding, Prosecution)

SECTION 5. The amendments to ORS 182.538 and 182.542 by sections 2 and 3 of this 2022 Act do not affect any action, proceeding or prosecution involving or with respect to any duties, functions and powers of the Environmental Justice Task Force begun before and pending as of the operative date specified in section 22 of this 2022 Act, except that the Environmental Justice Council is substituted for the Environmental Justice Task Force in any such action, proceeding or prosecution.

(Liability, Duty, Obligation)

SECTION 6. (1) Nothing in the amendments to ORS 182.538 and 182.542 by sections 2 and 3 of this 2022 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers conferred by those statutes prior to the operative date specified in section 22 of this 2022 Act. The Environmental Justice Council may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Environmental Justice Task Force legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date specified in section 22 of this 2022 Act are transferred to the Environmental Justice Council. For the purpose of succession to these rights and obligations, the Environmental Justice Council is a continuation of the Environmental Justice Task Force and not a new authority.

(References)

SECTION 7. Whenever, in any statutory law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the Environmental Justice Task Force or an officer or employee of the Environmental Justice Task Force, the reference is considered to be a reference to the Environmental Justice Council or an officer or employee of the Environmental Justice Council.

SECTION 8. Section 30, chapter 508, Oregon Laws 2021, is amended to read:

Sec. 30. (1) The Community Renewable Investment Program is established for the purpose of:

- (a) Offsetting the cost of planning and developing community renewable energy projects;
- (b) Making community renewable energy projects economically feasible for qualifying communities;
- (c) Promoting small-scale renewable energy projects; and
- (d) Providing direct benefits to communities across this state in the form of increased community energy resilience, local jobs, economic development or direct energy cost savings to families and small businesses.

(2)(a) A federally recognized Oregon Indian tribe, public body or consumer-owned utility may submit to the State Department of Energy an application for grant moneys from the Community Renewable Investment Fund established under section 33, **chapter 508, Oregon Laws 2021**, [of this 2021 Act] for the purpose of planning or developing a community renewable energy project.

(b) An applicant may partner with a federally recognized Oregon Indian tribe, public body, nonprofit entity, private business with a business site in this state or owner of rental property in this state, but a grant for an approved application will only be awarded and released to an applicant that is a federally recognized Oregon Indian tribe, public body or consumer-owned utility. Any federally recognized Oregon Indian tribe, public body, nonprofit entity, private business or owner of rental property that partners with the applicant must be listed in the application.

(c) An application must be drafted in consultation with electric utilities that have customers in the communities covered by a community renewable energy project that is in the application and regional stakeholders for the purpose of ensuring feasibility.

(3) An application for a grant for planning a community renewable energy project must demonstrate that the planning:

- (a) Is for a project located in this state but outside a city with a population of 500,000 or more;
- (b) Will be completed within six months of execution of the performance agreement or a reasonable time frame if good cause to extend the deadline is demonstrated as determined by rule;
- (c) Will result in a proposal for developing a community renewable energy project; and
- (d) Incorporates feedback from:
 - (A) Members of qualifying communities served by the community renewable energy project;
 - (B) Businesses located in the communities served by the community renewable energy project;
 - (C) Electric utilities that have customers in the communities served by the community renewable energy project; and
 - (D) Other regional stakeholders.

(4)(a) An application for a grant for developing a community renewable energy project must be on a form prescribed by the department and contain:

- (A) A detailed description of the project's systems and the systems' operation;

(B) Information showing that the project's systems will operate as represented in the application and, if the project is for producing electricity, remain in operation for at least five years or for at least a period of time established by the Director of the State Department of Energy by rule;

(C) The anticipated total project cost;

(D) Information on the number and types of jobs directly connected to the awarding of the grant that will be:

(i) Created by the project; and

(ii) Sustained throughout construction, installation and operation of the project;

(E) Information demonstrating that the project will comply with applicable state and local laws and regulations and obtain required licenses and permits;

(F) Information demonstrating that the project will be located in and benefit a community in this state but outside a city with a population of 500,000 or more; and

(G) Any other information the director considers necessary to determine whether the project is in compliance with sections 29 to 32, **chapter 508, Oregon Laws 2021**, [of this 2021 Act] and any applicable rules or standards adopted thereunder.

(b) An application for developing a community renewable energy project must demonstrate that the project:

(A) Is located in this state but outside a city with a population of 500,000 or more;

(B) Will begin construction within 12 months of execution of the performance agreement and be completed within 36 months of execution of the performance agreement or a reasonable time frame if good cause to extend the deadline is demonstrated as determined by rule;

(C) Results in increased community energy resilience, local jobs, economic development or direct energy cost savings to families and small businesses;

(D) Complies with applicable state and local laws and regulations and has the required licenses and permits;

(E) Does not exceed 20 megawatts of nameplate capacity, if the project is for generating renewable energy; and

(F) Will operate for at least five years, if the project is for producing electricity, or for at least a period of time established by the director by rule.

(5) Upon receipt of an application submitted under this section, the department shall review and determine whether the applicant is eligible to receive a grant from the Community Renewable Investment Program established under this section. The department may approve an application if the department finds that:

(a) The planning or development proposal meets the requirements listed in subsection (3) or (4) of this section;

(b) The proposal meets the standards described in subsection (10) of this section;

(c) The proposal meets any standards adopted by rule under subsection (11) of this section;

(d) The proposal is technically feasible; and

(e) Any federally recognized Oregon Indian tribe, public body, private business or owner of rental property partnered with the applicant is listed in the application.

(6)(a) The department shall issue separate opportunity announcements for each calendar interval that funding is available for the following categories:

(A) Planning a community renewable energy project that qualifies as a community energy resilience project;

(B) Developing a community renewable energy project that qualifies as a community energy resilience project;

(C) Planning a community renewable energy project that does not qualify as a community energy resilience project; and

(D) Developing a community renewable energy project that does not qualify as a community energy resilience project.

(b) Upon receiving an application, the director shall determine whether the application is for a community renewable energy project that qualifies as a community energy resilience project based

on the definition of “community energy resilience project” in section 29, **chapter 508, Oregon Laws 2021**, [of this 2021 Act] and any applicable rules adopted under this section.

(7)(a) The department shall allocate, out of the initial moneys appropriated for the Community Renewable Investment Program under section 34, **chapter 508, Oregon Laws 2021** [of this 2021 Act]:

(A) 50 percent or more for grants to be awarded for planning or developing community renewable energy projects that qualify as community energy resilience projects.

(B) 50 percent or more for grants to be awarded for planning or developing community renewable energy projects that primarily serve one or more qualifying communities.

(b) The department shall allocate, out of any subsequent and additional moneys appropriated to the Community Renewable Investment Program, percentage amounts for grants in a manner consistent with paragraph (a) of this subsection.

(c) After two years of issuing announcements of available funding opportunities from the initial moneys appropriated to the Community Renewable Investment Program and after consultation with the Advisory Committee on Community Renewable Investment described in section 32, **chapter 508, Oregon Laws 2021**, [of this 2021 Act,] the department may, by rule, reallocate the percentage of available funds across project categories.

(8) The department shall review and competitively score applications separately for each funding opportunity announcement.

(9) If the department approves an application under this section, the department and the applicant may enter into a performance agreement that meets the requirements set forth in section 31, **chapter 508, Oregon Laws 2021** [of this 2021 Act].

(10) In approving applications and awarding grant moneys, the department shall prioritize planning and development proposals that:

(a) Include community energy resilience projects.

(b) Demonstrate significant prior investments in energy efficiency measures at the project location or will result in aggregate improvements to demand response capabilities.

(c) Are for projects located in qualifying communities across the state.

(d) When applicable, are for projects constructed in part or in whole by disadvantaged business enterprises, emerging small businesses or businesses that are owned by minorities, women or disabled veterans.

(e) Include inclusive hiring and promotion policies for workers working on the projects.

(f) Incorporate equity metrics developed in coordination with the Environmental Justice [Task Force] **Council** established by ORS 182.538 for evaluating the involvement of and leadership by people of low income, Black, Indigenous or People of Color, members of tribal communities, people with disabilities, youth, people from rural communities and people from otherwise disadvantaged communities in the siting, planning, designing or evaluating of the proposed community renewable energy projects.

(g) Help the applicants achieve goals included in the applicants’ natural hazard mitigation plans as approved by the Federal Emergency Management Agency.

(11) The department shall adopt rules, in consultation with Business Oregon, to carry out sections 29 to 32, **chapter 508, Oregon Laws 2021** [of this 2021 Act]. The rules must:

(a) Define the planning and project costs eligible to be covered by a grant provided under section 31 (1) and (2), **chapter 508, Oregon Laws 2021** [of this 2021 Act].

(b) Adopt a methodology to identify qualifying communities and assess the geographic diversity of the approved planning and development projects compared with the other planning and development project applications for which grants have been requested in each opportunity announcement.

(c) Establish guidelines for significant, unforeseeable or uncontrollable delays that will constitute good cause for extending the timelines agreed upon in performance agreements.

(12) The department may adopt rules capping the amount of grant funds that may be paid to individual consultants and contractors in each round of funding opportunity announcements if the

department finds such limitations necessary to ensure broad distribution of funds and opportunity for emerging small businesses as defined in ORS 200.005.

SECTION 9. Section 32, chapter 508, Oregon Laws 2021, is amended to read:

Sec. 32. The Director of the State Department of Energy may appoint an Advisory Committee on Community Renewable Investment to provide consultation on the implementation of sections 29 to 32, **chapter 508, Oregon Laws 2021** [of this 2021 Act]. A committee appointed under this section shall consist of:

- (1) A member of the Environmental Justice [Task Force] Council;
- (2) A representative of Business Oregon;
- (3) A representative of electric companies;
- (4) A representative of consumer-owned utilities;
- (5) A representative from an organization that represents community renewable energy development;
- (6) A representative from a federally recognized Oregon Indian tribe;
- (7) Three representatives of local government to represent the interests of counties, cities and special districts;
- (8) Representatives from nongovernmental organizations that represent communities of low income or disadvantaged households; and
- (9) Representatives from relevant state and federal emergency management or response agencies.

ENVIRONMENTAL JUSTICE MAPPING

SECTION 10. ORS 182.535, as operative until July 1, 2022, is amended to read:

182.535. [For purposes of] **As used in** ORS 182.535 to 182.550[,]:

(1) **“Community-supported natural resource collaborative” means a group that works with a natural resource agency in a collaborative manner on natural resource issues affecting the community and that:**

- (a) **Promotes public participation in natural resource decisions;**
- (b) **Provides an open forum that allows for public deliberation of natural resource decisions affecting the community;**
- (c) **Can demonstrate diverse representation and balance between interests, including but not limited to environmental organizations, industry organizations and community members;**
- (d) **Has members who are individuals or organizations directly affected by the natural resource decisions discussed;**
- (e) **Has a governance agreement that guides its operations; and**
- (f) **Works in cooperation with local and tribal governments.**

(2) **“Environmental burden” means the environmental and health risks to communities caused by the combined historic, current and projected future effects of:**

- (a) **Exposure to conventional pollution and toxic hazards in the air or in or on water or land;**
- (b) **Adverse environmental conditions caused or made worse by other contamination or pollution; and**
- (c) **Changes in the environment resulting from climate change, such as water insecurity, drought, flooding, wildfire, smoke and other air pollution, extreme heat, loss of traditional cultural resources or foods, ocean acidification, sea-level rise and increases in infectious disease.**

(3) **“Environmental justice” means the equal protection from environmental and health risks, fair treatment and meaningful involvement in decision making of all people regardless of race, color, national origin, immigration status, income or other identities with respect to the development, implementation and enforcement of environmental laws, regulations and**

policies that affect the environment in which people live, work, learn and practice spirituality and culture.

(4) “Environmental justice community” includes communities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, remote communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth and persons with disabilities.

(5) “Equity analysis” means an analysis used to determine or evaluate environmental justice considerations.

(6) “Fair treatment” means that no one group of people, including racial, ethnic or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state, local and tribal environmental programs and policies.

(7) “Meaningful involvement” means:

(a) Members of vulnerable populations have appropriate opportunities to participate in decisions about a proposed activity that will affect their environment or health;

(b) Public involvement can influence a decision maker’s decision;

(c) The concerns of all participants involved are considered in the decision-making process; and

(d) Decision makers seek out and facilitate the involvement of members of vulnerable populations.

(8) “Natural resource agency” means the Department of Environmental Quality, the State Department of Agriculture, the Water Resources Department, the State Department of Fish and Wildlife, the State Parks and Recreation Department, the State Department of Energy, the Oregon Watershed Enhancement Board, the State Forestry Department, the Department of State Lands, [the Department of Education,] the State Department of Geology and Mineral Industries, the Department of Land Conservation and Development, the State Marine Board, the Public Utility Commission, the Department of Transportation, the State Fire Marshal and the Oregon Health Authority.

(9) “Remote community” means a community with low population density and high geographic remoteness.

SECTION 11. ORS 182.535 is amended to read:

182.535. [For purposes of] As used in ORS 182.535 to 182.550[,]:

(1) “Community-supported natural resource collaborative” means a group that works with a natural resource agency in a collaborative manner on natural resource issues affecting the community and that:

(a) Promotes public participation in natural resource decisions;

(b) Provides an open forum that allows for public deliberation of natural resource decisions affecting the community;

(c) Can demonstrate diverse representation and balance between interests, including but not limited to environmental organizations, industry organizations and community members;

(d) Has members who are individuals or organizations directly affected by the natural resource decisions discussed;

(e) Has a governance agreement that guides its operations; and

(f) Works in cooperation with local and tribal governments.

(2) “Environmental burden” means the environmental and health risks to communities caused by the combined historic, current and projected future effects of:

(a) Exposure to conventional pollution and toxic hazards in the air or in or on water or land;

(b) Adverse environmental conditions caused or made worse by other contamination or pollution; and

(c) Changes in the environment resulting from climate change, such as water insecurity, drought, flooding, wildfire, smoke and other air pollution, extreme heat, loss of traditional cultural resources or foods, ocean acidification, sea-level rise and increases in infectious disease.

(3) “Environmental justice” means the equal protection from environmental and health risks, fair treatment and meaningful involvement in decision making of all people regardless of race, color, national origin, immigration status, income or other identities with respect to the development, implementation and enforcement of environmental laws, regulations and policies that affect the environment in which people live, work, learn and practice spirituality and culture.

(4) “Environmental justice community” includes communities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, remote communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth and persons with disabilities.

(5) “Equity analysis” means an analysis used to determine or evaluate environmental justice considerations.

(6) “Fair treatment” means that no one group of people, including racial, ethnic or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state, local and tribal environmental programs and policies.

(7) “Meaningful involvement” means:

(a) Members of vulnerable populations have appropriate opportunities to participate in decisions about a proposed activity that will affect their environment or health;

(b) Public involvement can influence a decision maker’s decision;

(c) The concerns of all participants involved are considered in the decision-making process; and

(d) Decision makers seek out and facilitate the involvement of members of vulnerable populations.

(8) “Natural resource agency” means the Department of Environmental Quality, the State Department of Agriculture, the Water Resources Department, the State Department of Fish and Wildlife, the State Parks and Recreation Department, the State Department of Energy, the Oregon Watershed Enhancement Board, the State Forestry Department, the Department of State Lands, [the Department of Education,] the State Department of Geology and Mineral Industries, the Department of Land Conservation and Development, the State Marine Board, the Public Utility Commission, the Department of Transportation, the Department of the State Fire Marshal and the Oregon Health Authority.

(9) “Remote community” means a community with low population density and high geographic remoteness.

SECTION 12. (1) The Environmental Justice Council with staff support from the Department of Environmental Quality, in collaboration with the office of Enterprise Information Services, the Institute for Natural Resources, the Portland State University Population Research Center, and natural resource agencies with staff support from the department and the Oregon Health Authority, shall develop an environmental justice mapping tool.

(2) When developing the environmental justice mapping tool, the council shall develop and conduct an inclusive community engagement process to receive input from communities across this state and consult with natural resource agencies. The council shall hold at least six meetings in different regions of this state, including at least one meeting in a remote community, to:

(a) Present a work plan and proposals for the environmental justice mapping tool; and

(b) Receive input and feedback from communities throughout this state about:

(A) Environmental, health, socioeconomic and other factors that should be considered in the development of the mapping tool;

(B) How the mapping tool should be used to help distribute resources to communities that have experienced underinvestment;

(C) How socioeconomic benefits and burdens could be mapped and considered in addition to environmental, health and other data;

(D) Other uses for the mapping tool that can provide community benefits and diminish community burdens;

(E) Geospatial layers to further define environmental justice communities based on the prevalence of specific factors; and

(F) Community-generated data that may be included in the mapping tool.

(3) The mapping tool must:

(a) Be based on factors that are derived from direct input through the inclusive community engagement process described in subsection (2) of this section;

(b) Be sufficiently detailed to allow the assessment of environmental justice benefits and burdens;

(c) Include geospatial data layers that may be used to help better understand the nature of environmental justice communities;

(d) Include data from natural resource agencies or be compatible with other mapping tools developed by other state agencies; and

(e) Be accessible to the public.

(4) The office of Enterprise Information Services shall recommend data quality standards and methodologies for the development and maintenance of the mapping tool.

(5) The council shall enter into an agreement with the Institute for Natural Resources that provides that the institute will maintain the mapping tool and make the mapping tool publicly available in electronic form through the Oregon Explorer.

(6) The council shall review the mapping tool at least once every four years using the inclusive community engagement process described in subsection (2) of this section and update the mapping tool as necessary.

SECTION 13. (1) The Environmental Justice Council, in consultation with natural resource agencies, shall identify in a report to the Governor and, in the manner required in ORS 192.245, the Legislative Assembly:

(a) Guidance for state agencies regarding how to use the environmental justice mapping tool developed under section 12 of this 2022 Act when adopting rules, policies or guidelines. The guidance must be flexible to accommodate differences in agency directives.

(b) Best practices for increasing public participation and engagement in policy decisions by providing meaningful involvement.

(c) Recommendations on how to best meaningfully consult environmental justice communities.

(d) Recommendations for establishing measurable goals for reducing environmental disparities across Oregon and ways in which state agencies may focus their work toward meeting those goals.

(e) Guidelines for identifying environmental justice communities, including guidelines for further defining environmental justice communities developed from the inclusive community engagement process described in section 12 of this 2022 Act.

(f) Guidelines for evaluating socioeconomic benefits and burdens to environmental justice communities.

(2) The report prepared under this section may include:

(a) Recommendations for approaches to integrate an analysis of the distribution of environmental burdens and benefits across population groups into evaluations performed under state environmental laws;

(b) Equity analysis methods that may include a process for describing potential risks to, benefits to and opportunities for investments and mitigation;

(c) Best practices for cataloging and collecting data on programs within natural resource agencies related to health and environmental factors; and

(d) Recommendations for criteria for identifying and addressing gaps in current research and data collection to inform state agency actions, to refine the environmental justice mapping tool and to identify factors that may impede the achievement of environmental justice.

(3) The council, in consultation with the natural resource agencies, shall review and update the report required under this section at least once every five years.

SECTION 14. (1) Subject to subsection (2) of this section, natural resource agencies may consider the results of the environmental justice mapping tool developed under section 12 of this 2022 Act when developing administrative rules or agency policies or programs. Natural resource agencies shall consider the recommendations in the report required by section 13 of this 2022 Act when utilizing the environmental justice mapping tool.

(2) A natural resource agency may use the environmental justice mapping tool to:

(a) Identify environmental justice communities affected by agency programs;

(b) Conduct outreach and engagement activities with environmental justice communities to inform the development, adoption, implementation or enforcement of environmental laws, administrative rules or agency policies;

(c) Establish measurable goals for reducing environmental health disparities within agency programs; and

(d) Prioritize agency funding to help address identified impacts on environmental justice communities.

(3)(a) The environmental justice mapping tool may inform agency policies and programs as they relate to community engagement and outreach, investments and funding and impacts to environmental justice communities, and may be a source of information to the public.

(b) The mapping tool is informational only and may not be used in agency decision-making on individual permits or applications unless otherwise required by federal or state law.

(c) Nothing in ORS 182.535 to 182.550 shall be construed to limit, affect or alter the authority of any state agency to act within the authority granted to the agency by any other provision of state or federal law.

SECTION 15. ORS 182.545 is amended to read:

182.545. In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions, each natural resource agency shall:

(1) In making a determination whether and how to act, consider the effects of the action on environmental justice issues.

(2) Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.

(3) Engage in public outreach activities in the communities that will be affected by decisions of the agency.

(4) Create a [citizen] **public** advocate position that is responsible for:

(a) Encouraging public participation;

(b) Ensuring that the agency considers environmental justice issues; and

(c) Informing the agency of the effect of its decisions on **environmental justice communities** [communities traditionally underrepresented in public processes].

SECTION 16. ORS 182.550 is amended to read:

182.550. All directors of natural resource agencies, and other agency directors as the Governor may designate, shall report annually to the Environmental Justice [Task Force] **Council** and to the Governor on the results of the agencies' efforts to:

(1) Address environmental justice issues;

- (2) Increase public participation of individuals and communities affected by agencies' decisions;
- (3) Determine the effect of the agencies' decisions on [*traditionally underrepresented communities*] **environmental justice communities**; [*and*]
- (4) Improve plans to further the progress of environmental justice in Oregon[.]; **and**
- (5) **Utilize the environmental justice mapping tool developed under section 12 of this 2022 Act.**

SECTION 17. Sections 12 to 14 of this 2022 Act are added to and made a part of ORS 182.535 to 182.550.

TEMPORARY PROVISIONS

SECTION 18. (1) The Environmental Justice Council, the office of Enterprise Information Services, the Institute for Natural Resources, the Portland State University Population Research Center and natural resource agencies shall develop the environmental justice mapping tool under section 12 of this 2022 Act no later than September 15, 2025.

(2) The Environmental Justice Council shall provide the initial report required under section 13 of this 2022 Act to the Governor and the Legislative Assembly no later than September 15, 2025.

(3) The Environmental Justice Council shall provide a progress report to the Governor regarding the development of the environmental justice mapping tool and community input received under section 12 of this 2022 Act no later than September 15, 2024.

SECTION 19. Notwithstanding the amendments to ORS 182.538 by section 2 of this 2022 Act, members appointed to the Environmental Justice Task Force before the operative date specified in section 22 of this 2022 Act shall continue to serve the remainder of their terms as members of the Environmental Justice Council unless replaced by the Governor in accordance with ORS 182.538 (3).

FISCAL PROVISIONS

SECTION 20. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Environmental Quality, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$324,520, for implementing section 12 of this 2022 Act and to provide administrative support for the Environmental Justice Council.

(2) Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority by section 1 (1), chapter 668, Oregon Laws 2021, for the biennium ending June 30, 2023, for health systems, health policy and analytics, and public health, is increased by \$123,586 for implementing section 12 of this 2022 Act.

(3) Notwithstanding any other provision of law, the General Fund appropriation made to the Higher Education Coordinating Commission by section 1 (8), chapter 660, Oregon Laws 2021, for the biennium ending June 30, 2023, for public university statewide programs, is increased by \$191,355 for the Institute for Natural Resources and the Portland State University Population Research Center, to carry out the provisions of section 12 of this 2022 Act.

(4) Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (3), chapter 425, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received from charges, but excluding lottery funds and federal funds not described in section 2, chapter 425, Oregon Laws 2021, collected or received by the Oregon Department of Administrative Services, for the office of Enterprise Information Services, is increased by \$129,937 to carry out the provisions of section 12 of this 2022 Act.

CAPTIONS

SECTION 21. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

OPERATIVE DATE

SECTION 22. (1) Sections 1, 4 to 7 and 12 to 14 of this 2022 Act and the amendments to ORS 182.535, 182.538, 182.542, 182.545 and 182.550 and sections 30 and 32, chapter 508, Oregon Laws 2021, by sections 2, 3, 8 to 11, 15 and 16 of this 2022 Act become operative on August 1, 2022.

(2) The office of the Governor, the Environmental Justice Task Force and the agencies described in section 12 of this 2022 Act may take any action before the operative date specified in subsection (1) of this section that is necessary for the office, the task force or the agencies described in section 12 of this 2022 Act to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the office, the task force or the agencies described in section 12 of this 2022 Act by sections 1, 4 to 7 and 12 to 14 of this 2022 Act and the amendments to ORS 182.535, 182.538, 182.542, 182.545 and 182.550 and sections 30 and 32, chapter 508, Oregon Laws 2021, by sections 2, 3, 8 to 11, 15 and 16 of this 2022 Act.

EFFECTIVE DATE

SECTION 23. This 2022 Act takes effect on the 91st day after the date on which the 2022 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House March 2, 2022

.....
Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate March 3, 2022

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2022

Approved:

.....M.,....., 2022

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2022

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Shemia Fagan, Secretary of State