

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: HB 2927 - 8

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

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Measure Description:

Renames Office of Emergency Management as Oregon Department of Emergency Management. Establishes independent agencies.

Government Unit(s) Affected:

Oregon Military Department (OMD), Oregon State Police (OSP), Department of Administrative Services, Department of Energy (DOE), Oregon Department of Agriculture (ODA), Office of the Governor, Legislative Assembly, Oregon Department of Forestry (ODF)

Summary of Fiscal Impact:

Quantifiable costs related to the measure may require budgetary action. In addition, certain elements of the fiscal impact are indeterminate, at this time - See analysis.

Analysis:

HB 2927 with the -8 amendment:

- Renames Office of Emergency Management (OEM) as the Oregon Department of Emergency Management (ODEM) and establishes ODEM as an independent state agency. The measure transfers: (1) the Oregon Emergency Response System from Department of State Police (OSP) to ODEM; (2) rulemaking authority regarding nuclear emergencies from the Department of Energy (DOE) to ODEM; and (3) the authority to issue a written order declaring a quarantine from the Director of Agriculture to the Director of ODEM. The measure also establishes the Local Government Emergency Management Advisory Council to provide advice and recommendations to ODEM regarding ODEM's emergency preparedness and response functions.
- Renames the office of State Fire Marshal as the Oregon Department of the State Fire Marshal (OSFM) and establishes OSFM as independent state agency. The measure transfers search and rescue functions from OEM to OSFM and requires the State Fire Marshal to establish guidelines for wildfire buffer zones that produce defensible spaces around lands in the forestland-urban interface.
- Transfers the Oregon Homeland Security Council from OEM to the Office of the Governor and renames the entity as the Oregon Homeland Security Commission, adding members to and modifying the duties of the Commission. The measure also establishes the Emergency Preparedness Advisory Council to advise and make policy recommendations to the Oregon Homeland Security Commission regarding federal emergency support functions.
- Establishes the 16-member Fire Marshal Task Force charged with making recommendations as to whether the office of the State Fire Marshal should be made an independent state agency, and if not, in which existing state agency the Office of the Fire Marshal should be housed. The Task Force must report its findings and recommendations to an interim committee of the Legislative Assembly by February 1, 2022. OEM is required to provide staffing support for the Task Force.

Although preliminary estimates for the cost of restructuring are roughly \$8 million General Fund and \$1.5 million Other Funds, the complete fiscal impact of the measure to the state is indeterminate. At this time, all the ramifications of this measure cannot be fully predicted and quantified. The following analysis provides preliminary projections and information. The full fiscal impact of the reorganization required by the measure is indeterminate, contingent on the actions of the 2021 and 2023 Legislative Assemblies, budgetary actions during the 2021-23 biennium, as well as the specific plans and contractual agreements to be developed by the agencies affected

working together to coordinate the separation and restructuring of programs, systems, staff, and funding. Actions of the 2021 and 2023 Legislative Assemblies includes legislation that may either increase or decrease responsibilities and funding for all the agencies affected by this measure.

Note that a significant portion of the \$8 million General Fund and \$1.5 million Other Funds costs of restructuring would be incurred during the 2021-23 biennium in order to successfully operationalize the bill on July 1, 2023.

Oregon Military Department (OMD)

The measure stipulates that the unexpended balances of amounts authorized to be expended by the Oregon Military Department for the purposes of the Office of Emergency Management for the 2023-25 biennium are to be transferred to the Oregon Department of Emergency Management at the beginning of the 2023-25 biennium. This amount is indeterminate depending on the actions of the 2021 and 2023 Legislative Assemblies, budgetary actions during the 2021-23 biennium, as well as the specific plans and contractual agreements to be developed by the agencies affected by this measure. As a point of reference, the 2021-23 current service level budget for the Office of Emergency Management (OEM) within the Oregon Military Department is \$286.8 million Total Funds [\$5.7 million General Fund + \$100.2 million Other Funds + \$180.9 million Federal Funds], 44 positions, and 44.00 FTE.

In addition, OMD estimates the fiscal impact of restructuring and providing additional services required by the bill at \$4,737,248 General Fund, 16 new positions, and 16.00 FTE per biennium. Some of these costs may be incurred in the 2021-23 biennium in order to prepare for the July 1, 2023 operative date.

Oregon Department of Emergency Management (ODEM)	General Fund	Positions	FTE
¹ Administrative Services			
Financial Services	605,400		
Procurement and Contracts	188,415	1	1.00
Human Resources	246,000		
² Oregon Emergency Response System (OERS)	878,905	6	6.00
³ Training and Exercises	1,645,987	6	6.00
⁴ Support for Two New Advisory Councils	166,484	1	1.00
TOTAL ODEM	\$3,731,191	14	14.00
Oregon Military Department (OMD)	General Fund	Positions	FTE
¹ Administrative Services			
Financial Services	216,130		
Human Resources	86,976		
Information Technology	702,951	2	2.00
TOTAL OMD	\$1,006,057	2	2.00
TOTAL IMPACT OF RESTRUCTURING OEM	\$4,737,248	16	16.00

¹ With the separation of ODEM from Oregon Military Department, savings from sharing essential support services staff and resources would not be realized, and both agencies are anticipated to need additional resources beyond that of their existing budgets. Administrative Services cost estimates assume that the bulk of the existing financial services and human resources functions remains with OMD, and ODEM will need to contract with the Department of Administrative Services for these functions. Administrative Services costs for ODEM include Personal Services for one Procurement Specialist 2 position to manage procurements for ODEM. Financial Services and Human Resources amounts for OMD reflect fund shifts and backfill necessary to separate the work of the two entities. The bulk of the information technology function including staff remains with ODEM while OMD replaces lost capacity by transitioning to the State Data Center and hiring two new positions (ISS7 and ISS5) for its information technology services.

- ² The measure transfers the Oregon Emergency Response System (OERS) from the Oregon State Police to ODEM. OERS is a broad-based system supporting the entire state, but OERS is also a call taking center. Due to OERS managing multiple functions that supported both OSP and OEM simultaneously, when OEM was transferred to OMD from OSP in 2007, OERS remained within OSP's budgetary responsibilities and was managed by OEM. The Military Department estimates the cost of a safe and efficient separation of OERS to be \$878,905 General Fund, 6 positions, and 6.00 FTE per biennium. This amount reflects the cost of an additional six OERS Duty Officers to provide 24/7/365 call coverage for the Emergency Coordination Center (ECC).
- ³ Section 25a of the measure directs ODEM to develop and carry out emergency preparedness exercises, and coordinate regional training on a statewide basis. OMD estimates the cost of complying with this provision of the bill to be \$1,646,987 General Fund, 6 positions, and 6.00 FTE per biennium. These positions include one Principle Executive Manager D position to implement policies, procedures, and establish priorities in coordination with the Preparedness, Emergency Coordination, and Mitigation and Recovery Services Section Managers, consistent with federal and state regulations, to support the community through regional implementation. Five Policy Analyst 3 positions would work under the supervision of the Regional Preparedness Program Manager to coordinate and support the implementation of emergency management programs and activities within the region with a focus on supporting county, tribal, and local partners.
- ⁴ The measure creates two new councils, the Emergency Preparedness Advisory Council and the Local Government Emergency Management Advisory Council. To provide support to these new councils ODEM would need to hire one Administrative Support Specialist 2 position. Personal Services and related Services and Supplies for this position is estimated at \$166,484 per biennium.

Oregon State Police (OSP)

The measure stipulates that the unexpended balances of amounts authorized to be expended by the Oregon State Police for the purposes of the State Fire Marshal for the 2023-25 biennium are to be transferred to the Oregon Department of the State Fire Marshal (OSFM) at the beginning of the 2023-25 biennium. This amount is indeterminate depending on the actions of the 2021 and 2023 Legislative Assemblies, budgetary actions during the 2021-23 biennium, as well as the specific plans and contractual agreements to be developed by the agencies affected by this measure. As a point of reference, the 2021-23 current service level budget of the State Fire Marshal within the Oregon State Police is \$31.8 million Total Funds [\$0.4 million General Fund + \$30.8 million Other Funds + \$0.6 million Federal Funds], 67 positions, and 67 FTE.

Although the recommendations of the Fire Marshall Task Force are unknown, for the purposes of this fiscal impact analysis, OSP assumes that OSFM will separate from OSP effective January 1, 2024.

In addition, OSP estimates the fiscal impact of restructuring and providing additional services required by the bill at \$3,333,969 General Fund, \$1,469,218 Other Funds, 15 new positions, and 15.00 FTE per biennium. Some of these costs may be incurred in the 2021-23 biennium in order to prepare for the January 1, 2024 operative date. For example, OSP anticipates the need to hire a contractor during the 2021-23 biennium to plan and implement the transition. The estimated cost of the contractor is \$500,000. The contractor will help OSP take the Fire Marshall Task Force recommendations and plan for new facilities, physical movement, contracts, budget, data and IT needs for the OSFM transition.

Oregon Department of the State Fire Marshal (OSFM)	General Fund	Other Funds	Positions	FTE
* Administrative Services				
Financial Services		1,006,933	5	5.00
Procurement and Contracts		397,507	2	2.00
Human Resources		667,686	3	3.00
Information Technology		651,968	3	3.00
Program Support		336,231	2	2.00
Mass Transit Tax		18,362		
Services and Supplies		157,500		
Department of Administrative Services Charges		467,000		
TOTAL OSFM	\$0	\$3,703,187	15	15.00
Oregon State Police (OSP)				
	General Fund	Other Funds	Positions	FTE
* Administrative Services	\$2,233,969	(\$2,233,969)		
Facilities Rental	\$1,100,000			
TOTAL OSP	\$3,333,969	(\$2,233,969)		
TOTAL IMPACT OF RESTRUCTURING SFM				
	\$3,333,969	\$1,469,218	15	15.00

* With the separation of OSFM from the Oregon State Police, savings from sharing essential support services staff and resources would not be realized, and both agencies are anticipated to need additional resources beyond that of their existing budget. Administrative Services cost estimates assume that the bulk of the existing program support, procurement and contracts, human resources, and information technology services remains with OSP and OSFM will need to hire new employees and contract with the Department of Administrative Services.

Currently, the Office of State Fire Marshal is budgeted to transfer Other Funds (Fire Insurance Premium Tax (FIPT)) funding to another program area (Criminal Division / Arson Program) within the Oregon State Police. The \$3,333,969 cost to OSP reflects the fund shift necessary to backfill OSP administrative services and facilities rental expenditures because Other Funds revenues from Fire Insurance Premium Tax would move with the State Fire Marshall Office.

Note that although the State Fire Marshal believes there is sufficient Other Funds to support the \$1.4 million Other Funds increase for one biennium, this restructuring may result in future fee increases for the State Fire Marshal.

Department of Administrative Services (DAS)

If the Oregon Department of Emergency Management and the Oregon Department of the State Fire Marshal become financial services clients, DAS Shared Financial Services may need additional staffing resources.

Office of the Governor

The measure stipulates that the unexpended balances of amounts authorized to be expended by OEM for the purposes of the Oregon Homeland Security Council for the 2023-25 biennium are to be transferred to the Office of the Governor. Under current practice, there is no dedicated budget associated with the Oregon Homeland Security Council within the Oregon Military Department budget. Any costs incurred by the Council since its establishment in 2005 were expected to be absorbed within OMD's operating budget. This fiscal analysis assumes the Office of the Governor will absorb the cost of providing administrative support to the Oregon Homeland Commission within its existing budget.

Department of Energy (DOE)

Passage of this measure is anticipated to have minimal impact on the Department of Energy. The measure transfers the rulemaking authority regarding nuclear emergencies from the Department of Energy to the Oregon Department of Emergency Management. DOE does not anticipate any savings with regards to moving this function to ODEM because this work is currently absorbed within the agency's existing budget by staff with other crucial

agency responsibilities. Correspondingly, there may be some costs associated with these provisions for ODEM but these costs cannot be estimated at this time.

Oregon Department of Agriculture (ODA)

Passage of this measure is anticipated to have minimal impact on the Oregon Department of Agriculture. The measure transfers the authority to issue a written order declaring a quarantine from the Director of Agriculture to the Director of ODEM.

Legislative Assembly

The measure specifies that non-legislative members of the Fire Marshal Task Force serve as volunteers and are not entitled to compensation and reimbursement. However, four members of the task force will be legislative members who are entitled to per diem and travel reimbursement. The estimated per diem and travel reimbursement cost for the four legislative members to participate on the Task Force, as well as the more frequent monthly meetings of the Oregon Homeland Security Commission, is \$21,000. This amount includes the Federal Insurance Contribution Act (FICA) tax and assumes per diem remains at \$151 and the average mileage of 90 miles at the current rate of \$0.56 per mile. Although the 2021-23 Legislative Assembly budget contains funds allocated for interim committee and task force, if the work required by this task force, or if the cumulative enactment of other legislation with interim committees and task forces exceeds expenditure levels beyond those assumed in the 2021-23 budget, additional General Fund resources may be required. The Task Force would not incur additional costs to the Legislative Assembly budget if the meetings are held at the Capitol building during Legislative Session, Task force or Legislative Days.

Department of Public Safety Standards and Training (DPSST), Oregon Health Authority (OHA), Oregon Department of Transportation (ODOT), Department of Forestry (ODF), Department of Corrections (DOC), Oregon Department of Forestry (ODF)

The fiscal impact of this bill on DPSST, OHA, ODOT, ODF, DOC, and ODF is anticipated to be minimal. The measure adds DPSST, OHA, ODOT, ODF, DOC to the membership of the Oregon Homeland Commission and requires an ODF representative to participate on the Fire Marshal Task Force. The fiscal analysis assumes these entities will reprioritize duties to attend meetings and use existing staff and resources to furnish the Commission and the Task Force with existing available data, information, advice, and other support.