

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3308

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Requires State Forestry Department to develop and maintain comprehensive statewide map of wildfire risk, including boundaries of wildland-urban interface within state.

Government Unit(s) Affected:

Oregon Department of Forestry (ODF), Oregon State Police (OSP), Department of Land Conservation and Development (DLCD), Construction Contractors Board (CCB), Department of Consumer and Business Services (DCBS), Counties, Cities

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

TOTAL FISCAL IMPACT		
	2021-23 Biennium	2023-25 Biennium
General Fund		
Personal Services	7,968,695	8,744,338
Services and Supplies	400,500	271,790
Special Payments	150,000	150,000
Capital Outlay	350,000	0
TOTAL GENERAL FUND IMPACT	\$8,869,195	\$9,166,128

Analysis:

HB 3308 requires the Oregon Department of Forestry (ODF) to develop and maintain a comprehensive statewide map of wildfire risk. The map must display all boundaries of the wildland-urban interface as the boundaries exist within Oregon, must be consistent with national standards, and must be sufficiently detailed to allow for an assessment of wildfire risk at the property ownership level. ODF must collaborate with the State Fire Marshal, other state and local governments and officials, other public bodies, and insurance companies. ODF must make the map accessible to the public in electronic form. ODF must submit a report describing the development of the map to a committee of the Legislature by February 1, 2022.

The measure requires the State Fire Marshal to establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the comprehensive statewide map of wildfire risk as within the wildland-urban interface. In establishing the minimum defensible space requirements, the State Fire Marshal must consult and select standards from the framework set forth in the 2018 edition of the International Wildland-Urban Interface Code published by the International Code Council. The State Fire Marshal must periodically reexamine the standards set forth in the International Wildland-Urban Interface Code and update the State Fire Marshal's standards to reflect current best practices.

The measure establishes the 10-member Task Force on Building Codes in the Wildland-Urban Interface charged with identifying gaps in and needed updates to state building codes that account for risks of wildfire and that focus on wildfire prevention and the creation of defensible space around structures located within the wildland-urban interface identified in the map. The Task Force is required to make recommendations to the Director of the

Department of Consumer and Business Services regarding changes needed to state building codes. The measure permits the Task Force to conduct studies, consult architects, construction contractors, engineers, and other experts. The Task Force must submit a report to a committee of the Legislature by September 15, 2022. ODF is required to provide staff support to the Task Force, which sunsets on December 31, 2022.

Oregon Department of Forestry (ODF)

	2021-23 Biennium	2023-25 Biennium
General Fund		
Personal Services	199,689	208,275
Services and Supplies	30,000	31,290
Special Payments	150,000	150,000
Total General Fund	\$379,689	\$389,565
Positions	1	1
FTE	1.00	1.00

ODF estimates the fiscal impact of this measure to be \$379,689 General Fund, 1 position, 1.00 FTE for the 2021-23 biennium; and \$389,565 General Fund, 1 position, 1.00 FTE for the 2023-25 biennium. This amount includes \$150,000 to contract with Oregon State University for mapping maintenance, as well as personal services and related services and supplies for one Information Systems Specialist 5 position to serve as the GIS Specialist to coordinate and complete the technical edits to the map. ODF anticipates prioritizing the responsibilities of existing staff to provide support to the Task Force on Building Codes in the Wildland-Urban Interface.

Oregon State Police (OSP)

	2021-23 Biennium	2023-25 Biennium
General Fund		
Personal Services	7,769,006	8,536,063
Services and Supplies	370,500	240,500
Capital Outlay	350,000	0
Total General Fund	\$8,489,506	\$8,776,563
Positions	37	37
FTE	34.00	37.00

OSP estimates the fiscal impact of this measure to be \$8,489,506 General Fund, 37 positions, 34.00 FTE for the 2021-23 biennium; and \$8,776,563 General Fund, 37 positions, 37.00 FTE for the 2023-25 biennium. The January 8, 2021 Emergency Board authorized the establishment and funded 25 (5.21 FTE) of these 37 positions as limited duration for the 2019-21 biennium. OSFM has been working diligently to fill the positions and is committed to completing the hiring process by May 1, 2021. OSP would need these 25 positions as permanent positions plus an addition 12 permanent positions to do the work required by the measure. Of the 25 positions:

- 14 positions will focus on addressing fire response coordination, safety response capacity, fire leadership, support for the Incident Management Teams, and fire prevention strategies.
- 11 positions will implement the Fire Adapted Communities and Community Preparedness goals identified in the November 2019 Governor’s Council on Wildfire Response report. These positions will prepare communities for fire by identifying, defining, and prioritizing the risk to Oregon communities and utilizes an integrated and strategic investment of resources to reduce the fire occurrence and impact. Targeted efforts include improving structural resiliency to wildfire, enhancing defensible space for homes and surrounding structures, ensuring adequate access and egress in the event of wildfire events and overall improvement of structural fire prevention efforts through community risk reduction efforts.

In addition to the 25 positions, the fiscal impact estimated includes 12 new positions:

- 8 Deputy State Fire Marshals (DSFMs) and 1 Supervising Deputy State Fire (SDSFM) - With adoption of the new wildland-urban interface defensible space standards, DSFMs will see a significant increase in inspections for compliance. The additional eight field DSFMs and SDSFM will be able to meet both current statutory mandates and future inspection and defensible space enforcement workloads without shortfalls in service delivery.

- 1 Operations Policy Analyst 2 to provide the framework for the Community Risk Reduction Program with an emphasis on wildfire risk in Oregon Communities. The Community Risk Reduction process ensures local risks are identified and prioritized, followed by the integrated and strategic investment of resources (emergency response and prevention) to reduce their occurrence and impact. This position will support the efforts of the agency's prevention operations by researching and giving objective information to management on which to base policy and operational decisions to most effectively reduce risk in Oregon communities by providing the framework for the Community Risk Assessment. This assessment is a participatory process for assessing hazards, vulnerabilities, risks, ability to cope, preparing coping strategies and finally preparing a risk reduction options implementation plan by the local community.
- 1 Operations and Policy Analyst 2 to develop a comprehensive defensible space inspection program, develop new training requirements and standards for both internal and external stakeholders, and an overall need for program policy development.
- 1 Policy Analyst 3 position to serve as OSFM's Agency Operations Center (AOC) Coordinator to oversee the work to mobilize the Oregon Fire Mutual Aid System to incidents impacting lives and structures in Oregon and neighboring states. The AOC Coordinator would be dedicated to ensuring the AOC is run effectively and has documented procedures and policies in place to assist OSFM staff in meeting the mission of safe and effective mobilization of fire service resources. During mobilizations, the AOC Coordinator will assist staff in making operational decisions and serve as a single point of contact regarding dispatching and tracking fire service personnel and equipment. The AOC Coordinator will be responsible for the products and documentation produced by staff in the AOC.

The measure establishes the Wildfire Community Preparedness Fund separate from the General Fund. Moneys in the Fund are continuously appropriated to the State Fire Marshal to carry out the local government financial assistance program.

Department of Land Conservation and Development (DLCD), Construction Contractors Board (CCB), Department of Consumer and Business Services (DCBS)

Passage of this measure is anticipated to have a minimal fiscal impact on DLCD, CCB and DCBS.

Local Government

Local governments may experience a fiscal impact depending on whether they receive financial, administrative, technical or other assistance to facilitate the administration and enforcement of minimum defensible space requirements within their jurisdiction, but any such potential impact is indeterminate at this time. The measure requires the State Fire Marshal to administer a community risk reduction program that emphasizes education and methods of prevention with respect to wildfire risk, defensible space and community preparedness for wildfires. The program must provide financial, administrative, technical or other assistance to local governments to facilitate the administration and enforcement of minimum defensible space requirements within the jurisdiction of the local government. A local government that receives financial assistance under this subsection must give priority to the creation of defensible space on lands owned by communities of color, indigenous communities, persons with limited proficiency in English and persons of lower income.

The measure requires a local government to administer and enforce the minimum defensible space requirements the State Fire Marshal establishes that are applicable to the lands within the jurisdiction of the local government. The measure permits a local government to adopt and enforce local requirements for defensible space on lands that are greater than the minimum defensible space requirements established by the State Fire Marshal. In establishing the local government's minimum defensible space requirements, the local government must consult and select standards from the framework set forth in the 2018 edition of the International Wildland-Urban Interface Code published by the International Code Council.

The measure warrants a subsequent referral to the Joint Committee on Ways and Means to coordinate and reconcile the fiscal impact of this measure with agencies' policy option packages for similar work as well as for consideration of General Fund impact and position authority.