

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 928 - 3**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

Prepared by: Haylee Morse-Miller

Reviewed by: Amanda Beitel, Matt Stayner, John Borden, April McDonald

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Measure Description:

Instructs State Forester, or forest protective association or agency that is under contract or agreement with State Board of Forestry for protection of forestland against fire, and whose protection area is or may be affected by fire on nearby lands owned or managed by the United States Forest Service, to take certain actions to address fire.

Government Unit(s) Affected:

Burns Paiute Tribe, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Confederated Tribes of Grand Ronde, Confederated Tribes of Siletz, Confederated Tribes of Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Coquille Indian Tribe, Cow Creek Band of Umpqua Indians, Department of Forestry, Klamath Tribes, Special Districts Association of Oregon, Cities, Counties, Department of the State Fire Marshal, District Attorneys, Department of Justice, Judicial Department, Association of County Clerks

Summary of Fiscal Impact:

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

Summary of Expenditure Impact:

	2023-25 Biennium	2025-27 Biennium
Oregon Department of Forestry		
General Fund		
Personal Services	\$465,435	\$620,586
Services and Supplies	\$76,875	\$71,000
Special Payments	\$135,000	
Total General Fund	\$677,310	\$691,586
Other Funds*		
Capital Outlay	\$135,000	\$0
Total Other Funds	\$135,000	\$0
Total Fiscal Impact	\$812,310	\$691,586
<i>Total Positions</i>	3	3
<i>Total FTE</i>	2.25	3.00

**Represents General Fund expended as Other Funds*

Analysis:

SB 928 - 3 requires the forester, or any forest protective association or agency that is under contract or agreement with the State Board of Forestry for protection of forestland against fire, and whose protection area could be affected by a fire on nearby lands owned or managed by the United States Forest Service (USFS), to participate in fire management response planning and implementation to address fires originating on lands owned or managed by USFS.

If a fire originates on lands owned or managed by USFS and the planned actions are not enough to protect forestland, in the judgment of the forester after consideration of any resource availability constraints, the forester may abate a fire, at the expense of the state, on USFS lands. The measure allows the forester to pursue

recovery for the expense of fire abatement on USFS lands if caused by a person's negligence. The measure takes effect January 1, 2024.

Department of Forestry

To implement this measure, the Oregon Department of Forestry (ODF) would hire three permanent, full-time Natural Resource Specialist 3 positions (Wildfire Planners) to work with USFS on fire planning and mitigation efforts. The agency anticipates locating a Wildfire Planner in eastern, northwest, and southern Oregon. Total cost of these positions is estimated at \$677,310 General Fund in the 2023-25 biennium and \$691,586 General Fund in the 2025-27 biennium. In 2023-25, this includes \$465,435 for personal services, \$76,875 for services and supplies, and an estimated \$135,000 in one-time costs for a vehicle for each new position. The agency also needs \$135,000 in Other Funds expenditure limitation for the agency's Motor Pool to purchase the vehicles- which is not an additional cost, but the use of General Fund that has been appropriated being expended as Other Funds.

The Department of Forestry has existing authority to take independent action on USFS lands if a fire is deemed to be a threat to ODF protected lands through the Master Cooperative Wildfire Management and Stafford Act Response Agreement, commonly referred to as the "Master Agreement". Because of this, the agency has not included additional, quantified costs of firefighting activities on these lands. ODF does note that during challenging fire seasons, certain fire protection districts may see a significant increase in workload and some unknown magnitude of fiscal impact should this authority be more broadly used.

Other entities

There is anticipated to be no fiscal impact for the nine federally recognized Tribes in Oregon, District Attorneys, Cities, Association of County Clerks, and Department of the State Fire Marshal, and minimal impact for Department of Justice and the Judicial Department.

Counties anticipate a minimal impact if their only role is to participate in planning meetings, but there could be a greater than minimal impact based on the role Counties are asked to take on for fire management response.

No response was received from Special Districts.