

2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 3043

STATUS: Original

SUBJECT: Authorizes the State Forester to impose a civil penalty equal to cost of reforesting lands

GOVERNMENT UNIT AFFECTED: Department of Forestry

PREPARED BY: Dawn Farr

REVIEWED BY: Susie Jordan

DATE: March 16, 2007

	<u>2007-2009</u>	<u>2009-2011</u>
EXPENDITURES:		
Reforestation Costs – Other Funds	\$ 48,000	\$ 64,000
REVENUES:		
Reforestation Civil Penalties Assessed – Other Funds	\$ 48,000	\$ 64,000

EFFECTIVE DATE: January 1, 2008

GOVERNOR’S BUDGET: This bill is not anticipated by the Governor’s recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: The bill modifies certain civil penalty provisions to allow the State Forester to impose a civil penalty in the amount equal to the estimated cost of reforesting lands. Civil penalties recovered shall be deposited in the State Forestry Department Account and used to reforest land subject to the violation. Civil penalties that exceed the costs of reforestation shall be paid to the General Fund.

The Oregon Department of Forestry (ODF) estimates that civil penalties imposed for amounts equal to reforestation costs would only be applied in approximately 20% of the penalties issued. The number of acres subject to citations varies; however, the Department identified an average unit size of 40 acres per citation and a cost of \$400 per acre to cover all reforestation costs. Under current staffing levels, ODF averaged 11 citations per year. Given this, ODF estimates that Other Fund reforestation civil penalties of \$32,000 (2 citations x 40 acres x \$400 per acre) would be issued per year; hence, total penalties are estimated to be \$48,000 for the 2007-09 and \$64,000 for 2009-11 biennia. Penalties are estimated to be less during the 2007-09 biennium because the bill takes effect in January 2008. All revenues collected are to be applied to the costs of reforestation, with any excess funds being transferred to the General Fund.