

**2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office**

MEASURE NUMBER: SB 528

STATUS: A Engrossed

SUBJECT: Open field burning

GOVERNMENT UNIT AFFECTED: Department of Environmental Quality and Department of Agriculture

PREPARED BY: Dawn Farr

REVIEWED BY: Paul Siebert

DATE: April 30, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES:		
Department of Environmental Quality		
Personal Services – General Fund	\$ 60,217	\$ 60,217
Services and Supplies - General Fund	\$ 25,043	\$ 25,043
Total General Fund Expenditures	<u>\$ 85,260</u>	<u>\$ 85,260</u>

Department of Agriculture

See Comments.

REVENUES:

Department of Agriculture

Field Burning Fees – Other Funds	\$ 0	\$ (290,366)
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POSITIONS / FTE:

See Comments.

EFFECTIVE DATE: On passage.

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 gives the Environmental Quality Commission (EQC) authority to add other Oregon counties to the field burning smoke management program and adopt acreage limitations for those counties; phases out open field burning in Willamette Valley counties by 2013; expands EQC authority over open field burning and emergency burning; provides EQC with authority to charge fees for emergency burning permits; increases field burning fees paid to Department of Agriculture (ODA); and, allows ODA to increase field burning fees to carry out its duties up to cost of administration.

The Department of Environmental Quality (DEQ) indicates that the bill creates the potential for new counties to be added to the field burning smoke management program and grants the Department authority to issue permits for emergency burning. To support this work DEQ anticipates needing an additional half-time Natural Resource Specialist 2 position (0.50 FTE) at a cost of \$85,260 General Fund per biennium. This position will establish procedures for emergency burning permits, work with ODA on revisions to field burning program rules to reflect new fees, and conduct rule development and stakeholder outreach for the EQC as needed to add counties and establish acreage limitations. Currently, all field burning fees collected go to ODA to pay for the Smoke Management Program, it is unclear if fee

revenue from this source could be used to fund DEQ's additional costs. Additional revenues that may result from emergency permit fees issued by DEQ are indeterminate, but these fees would be deposited into the Department of Agriculture Service Fund which continuously appropriates to ODA.

ODA anticipates a minimal fiscal impact associated with the bill in the 2009-11 biennium. The bill will reduce the number of allowable acres burned; however, the Department indicates that it is possible to register way more acres than are allowed to be burned. Given this and the fee increases established in the bill, ODA anticipates that the net Other Funds revenue impact will be minimal. ODA anticipates a \$290,366 Other Fund revenue reduction in the 2011-13 biennium as field burning is phased-out. As a result, the Department expects to reduce expenditures and FTE by a similar amount. ODA indicates that it takes as much effort to run part of a program as a whole program and that the base program requires three positions. Given this, the Department anticipates that they may need to use the cost recovery provisions of the bill to fund the program in the future.