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

MEASURE NUMBER: SB 528 STATUS: B-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: June 15, 2009

2009-2011 2011-2013

EXPENDITURES:

See Comments.

REVENUES:

See Comments

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 phases out open field burning in Willamette Valley counties by 2013; expands Environmental Quality Commission (EQC) authority over emergency burning; provides EQC with authority to charge fees for emergency burning permits; increases field burning fees paid to Department of Agriculture (ODA); allows the EQC to request moneys from ODA sufficient to carry out duties specified in the bill; and, allows ODA to increase field burning fees to carry out its duties up to cost of administration.

The Department of Environmental Quality (DEQ) currently has no staff dedicated to field burning issues. The bill requires DEQ to establish rules for emergency burning and to assess a fee for emergency burning permits. The bill also allows the EQC to prohibit burning in areas determined to be critical burn areas. The Department anticipates needing a half-time limited duration Natural Resource Specialist 2 position (0.50 FTE) at a cost of \$85,260 Other Funds for the 2009-11 biennium to establish procedures for emergency burning permits, work with ODA on revisions to field burning program rules, and to conduct rule development and stakeholder outreach. DEQ anticipates requesting moneys from ODA to cover these expenditures, which will increase DEQ's Other Funds revenues by \$85,260. DEQ anticipates needing some level of support for field burning activities in the 2011-13 biennium; however, the level of this support will be evaluated as part of the 2011-13 budget development process.

DEQ indicates that additional Other Funds revenues that result from emergency permit fees are indeterminate. Fees moneys received will be deposited into the Department of Agriculture Service Fund, which is continuously appropriated 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 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, even with transferring funds to DEQ for expenditures identified above. ODA anticipates a \$375,626 Other Funds revenue reduction in the 2011-13 biennium as field burning is phased-out, which assumes continued funding for DEQ's part-time field burning position. As a result, the Department expects to reduce expenditures and FTE as needed to accommodate reduced funding to a point. According to ODA, it takes as much effort to run part of a program as a whole program, and 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.