

AMENDED IN SENATE MAY 27, 2008
AMENDED IN SENATE APRIL 24, 2008
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AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1617

Introduced by Senator Kehoe

February 22, 2008

An act to add Chapter 1.5 (commencing with Section 4210) to Part 2 of Division 4 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1617, as amended, Kehoe. State responsibility areas: ~~fire-related benefit fees.~~ *fire prevention fees.*

Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas.

This bill would require the board, on or before July 1, 2009, to adopt emergency regulations to establish a fire prevention fee of \$50 to be charged on each structure on a parcel that is subject to property taxes and is within a state responsibility area. The board would be required to adjust the fire prevention fee annually using the prescribed methods.

The bill would require the fire prevention fee to be included on all secured property tax bills issued for the 2009–10 fiscal year and for each fiscal year thereafter, as prescribed. Because the bill would require

local governments to collect the fire prevention fees through annual secured property tax bills, as prescribed, a state-mandated local program would be imposed.

This bill would require the fire prevention fee to include an amount sufficient, as determined by the board, to reimburse each county's actual and reasonable costs for levying and collecting the fee consistent with a cost recovery agreement entered into between the county and the Department of Forestry and Fire Protection. The county would be authorized to retain that portion of the \$50 fire prevention fee the board authorized.

The bill would establish the State Responsibility Area Fire Prevention Fund and would require the fire prevention fees collected to be deposited into the fund, to be available, upon appropriation by the Legislature, for certain specified fire prevention activities in state responsibility areas and attributable to benefits conferred on structures subject to the fire prevention fee, including, but not limited to, recoupment of startup costs, and for the administration of this bill.

This bill would require the board, on and after January 1, 2011, to submit an annual written report to the Legislature on the status and uses of the fund.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas.~~

~~This bill would require the board to adopt emergency regulations to establish a benefit fee for fire-related services to be charged to an owner of a structure within a state responsibility area. The base benefit fee would be based, among other things, on the fire hazard severity zone in which the structure is located, and include an amount sufficient to cover each county's actual and reasonable costs for levying and collecting the benefit fee. The board would be required to update the base benefit fee every 2 years. The bill would specify the amount of the minimum benefit fee to be imposed and the criteria by which it could be eliminated.~~

~~The board would be required to establish criteria for benefit fee reductions for an owner of an individual structure, including, but not limited to, certain prescribed fire risk reduction guidelines for the owner and the county where the property is located. The benefit fees, including the minimum benefit fees, would be eliminated for structures within a county if the board determines that there is sufficient structural fire protection and prevention and other emergency services already provided by a county, special district, or a volunteer fire department, or the county has contracted to provide fire protection services in the state responsibility area.~~

~~This bill would require that for property tax bills for the year 2010–11, if the Department of Forestry and Fire Protection, upon inspection, finds a structure exists that would require structural fire protection services beyond those provided otherwise to wildlands, the department would be required to notify the county to have the appropriate benefit fee included in the annual secured property tax bill. If, upon inspection, the department finds that the lands do not include a structure that requires fire protection services beyond those provided otherwise to wildlands, the department would be required to notify the county to remove the benefit fee from the secured property tax bill.~~

~~The bill would require local governments to collect the benefit fees through annual secured property tax bills, as prescribed, thereby imposing a state-mandated local program. The county would be authorized to retain the portion of the benefit fee authorized by the board.~~

~~The bill would create the State Responsibility Area Fire Protection and Prevention Fund and would require the benefit fees collected to be deposited in the fund, to be available, upon appropriation by the Legislature, for structural fire protection and prevention activities and other emergency services attributable to the presence of structures in state responsibility areas, and for the administration of this act. At least 50% of the moneys appropriated from the fund would be required to be allocated to fire prevention activities.~~

~~(2) This bill would permit a person disputing the benefit fees imposed on his or her real property to use an appeals process that would be established by the bill.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

1 *those owners of structures in the state responsibility areas who*
2 *receive a specific benefit other than that general benefit.*

3 *(f) It is necessary to impose a fire prevention fee to pay for fire*
4 *prevention activities in the state responsibility areas that benefit*
5 *owners of structures in the state responsibility area.*

6 *(g) All revenues generated by state responsibility area fire*
7 *prevention fees imposed under this chapter and used for the*
8 *purposes for which they are imposed, are not proceeds of taxes*
9 *subject to Article XIII B, C, or D of the California Constitution.*

10 *4211. For the purposes of this chapter, “structure” means a*
11 *building that has a certificate of occupancy issued pursuant to*
12 *Section 9591 of the Health and Safety Code.*

13 *4212. (a) (1) By July 1, 2009, the board shall adopt emergency*
14 *regulations to establish a fire prevention fee for the purposes of*
15 *this chapter of fifty dollars (\$50) to be charged on each structure*
16 *on a parcel that is subject to property taxes and is within a state*
17 *responsibility area.*

18 *(2) The Legislature finds and declares that this fire prevention*
19 *fee is a reasonable amount for the necessary fire prevention*
20 *activities that are appropriate and attributable to the presence of*
21 *a structure within a state responsibility area.*

22 *(b) On July 1, 2010, and annually thereafter, the board shall*
23 *adjust the fire prevention fees imposed pursuant to this chapter to*
24 *reflect the percentage of change in the average annual value of*
25 *the Implicit Price Deflator for State and Local Government*
26 *Purchases of Goods and Services for the United States, as*
27 *calculated by the United States Department of Commerce for the*
28 *12-month period in the third quarter of the prior calendar year,*
29 *as reported by the Department of Finance.*

30 *(c) Emergency regulations adopted pursuant to subdivision (a)*
31 *shall be adopted in accordance with the rulemaking provisions of*
32 *the Administrative Procedure Act (Chapter 3.5 (commencing with*
33 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
34 *Code). The adoption of emergency regulations shall be deemed*
35 *an emergency and necessary for the immediate preservation of*
36 *the public peace, health, and safety, or general welfare.*

37 *4213. (a) (1) A fire prevention fee, pursuant to Section 4212,*
38 *shall be included on all secured property tax bills issued for the*
39 *2009–10 fiscal year for all structures described in subdivision (a)*
40 *of Section 4212.*

1 (2) *The department shall notify the county auditor by August*
2 *10 to have a fire prevention fee assessed as a direct charge on the*
3 *annual secured property tax bills issued by the county for the*
4 *2009–10 fiscal year, and at the same time the department shall*
5 *provide to the county auditor a contact telephone number for the*
6 *board to be printed on the secured property tax bill to respond to*
7 *questions about the fee.*

8 (b) *For each fiscal year after the 2009–10 fiscal year, if there*
9 *are not sufficient amounts of money in the State Responsibility*
10 *Area Fire Prevention Fund to finance the costs of the programs*
11 *under subdivision (e) of Section 4214 for that fiscal year, the*
12 *department shall notify the county auditor by August 10 to have a*
13 *fire prevention fee assessed as a direct charge on the annual*
14 *secured property tax bills issued by the county, and at the same*
15 *time the department shall provide to the county auditor a contact*
16 *telephone number for the board to be printed on the secured*
17 *property tax bill to respond to questions about the fee.*

18 (c) *The board shall determine an amount sufficient to reimburse*
19 *each county's actual and reasonable costs for levying and*
20 *collecting the fee consistent with a cost recovery agreement entered*
21 *into by the department and each county.*

22 (d) *The fire prevention fee shall be collected by each county in*
23 *the same manner and at the same time as secured property taxes.*
24 *The county collecting the fee shall retain, from each fire prevention*
25 *fee collected, the amount authorized by the board pursuant to*
26 *subdivision (c).*

27 (e) *All laws relating to the levy, collection, and enforcement of*
28 *county ad valorem taxes apply to the fire prevention fees imposed*
29 *pursuant to this article, except that if any real property to which*
30 *the lien would attach has been transferred or conveyed to a bona*
31 *fide purchaser for value, or if a lien of a bona fide encumbrancer*
32 *for value has been created and attached to the real property, prior*
33 *to the date on which the first installment of those taxes would*
34 *become delinquent, then the lien that would otherwise be imposed*
35 *by this section shall not attach to that real property, and the cost*
36 *bill relating to that real property shall be transferred to the*
37 *unsecured roll for collection.*

38 (f) *A county auditor shall, in the same manner and at the same*
39 *time as secured property taxes are distributed in each county,*
40 *remit all fire prevention fees, except that portion retained pursuant*

1 to subdivision (c), to the Treasurer for deposit in the State
2 Responsibility Area Fire Prevention Fund established pursuant
3 to Section 4214.

4 4214. (a) Fire prevention fees collected pursuant to this
5 chapter shall be deposited into the State Responsibility Area Fire
6 Prevention Fund, which is hereby established in the State Treasury.

7 (b) Moneys in the fund shall be available to the board and
8 department, upon appropriation by the Legislature, for fire
9 prevention activities specified in subdivision (e), in state
10 responsibility areas, attributable to benefits conferred on structures
11 subject to the fire prevention fee.

12 (c) The fund may also be used to cover the costs of administering
13 this chapter.

14 (d) It is the intent of the Legislature that the moneys in this fund
15 be fully appropriated to the board and the department each year
16 in order to effectuate the purposes of this chapter.

17 (e) Moneys in the fund shall be used only for the following fire
18 prevention activities relating to the presence of structures within
19 the state responsibility areas:

20 (1) Local assistance grants pursuant to subdivision (f).

21 (2) Grants to Fire Safe Councils, the California Conservation
22 Corps, or certified local conservation corps for fire prevention
23 projects and activities.

24 (3) Inspections by the department for compliance with defensible
25 space requirements around structures in state responsibility areas
26 as required by Section 4291.

27 (4) Public education to reduce fire risk in the state responsibility
28 areas.

29 (5) Fire severity and fire hazard mapping by the department.

30 (6) Recoupment of startup costs incurred over a period not to
31 exceed one year.

32 (7) Other prevention projects authorized by the board.

33 (f) (1) The board shall establish a local assistance grants
34 program for fire prevention activities relating to the presence of
35 structures within state responsibility areas, including public
36 education, that are provided by counties and other local agencies,
37 including special districts, with state responsibility areas within
38 their jurisdictions.

39 (2) The amount of each grant shall be based on the number of
40 structures in state responsibility areas for which the applicant is

1 *legally responsible and the amount of moneys made available in*
2 *the annual Budget Act for this local assistance grant program.*
3 *(g) By January 1, 2011, and annually thereafter, the board shall*
4 *submit to the Legislature a written report on the status and uses*
5 *of the fund pursuant to this chapter.*

6 *SEC. 2. No reimbursement is required by this act pursuant to*
7 *Section 6 of Article XIII B of the California Constitution because*
8 *a local agency or school district has the authority to levy service*
9 *charges, fees, or assessments sufficient to pay for the program or*
10 *level of service mandated by this act, within the meaning of Section*
11 *17556 of the Government Code.*

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**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
April 24, 2008. (JR11)**