

ASSEMBLY BILL

No. 42

Introduced by Assembly Member Jeffries

(Coauthors: Assembly Members Bill Berryhill, Tom Berryhill, Conway, Cook, DeVore, Emmerson, Fletcher, Gaines, Garrick, Gilmore, Harkey, Logue, Miller, Nestande, Niello, Nielsen, Silva, Smyth, Tran, and Villines)

(Coauthors: Senators Aanestad, Ashburn, Cogdill, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, and Wyland)

February 16, 2010

An act to amend Section 8589.19 of, and to add Section 8589.24 to, the Government Code, relating to firefighting, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as introduced, Jeffries. Firefighting.

The State Assistance for Fire Equipment Act authorizes the Secretary of Emergency Management to acquire specified firefighting apparatus and equipment for resale to a local agency, as defined, that provides fire suppression services or a fire company. Existing law also establishes the State Assistance for Fire Equipment Account, a continuously appropriated fund, for purposes of the act. Existing law requires the secretary to consult with a specified committee before adopting regulations implementing the act.

This bill would annually appropriate \$45,600,000 of revenue received by the state from the accessing of oil and gas reserves located beneath state coastal waters, generally known as the "T-Ridge Project," for firefighting purposes, including, but not limited to, the purchase of firefighting and rescue vehicles and equipment, vegetation management

and defensible space projects, and specified training courses and materials, thereby making an appropriation. This bill would also require the secretary to consult with additional specified individuals involved in firefighting before adopting certain regulations.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known as the California
- 2 Emergency Fire and Rescue Apparatus Funding Act of 2010.
- 3 SEC. 2. (a) The Legislature finds and declares that California’s
- 4 emergency fire service personnel and equipment are routinely
- 5 called upon to mitigate the effects of terrorist acts, fires, floods,
- 6 earthquakes, and other mass casualty rescues and fires, including,
- 7 but not limited to, significant regional emergencies directly related
- 8 to train derailments, commercial and passenger aircraft accidents,
- 9 oil pipeline and hazardous waste spills and fires, landfill and
- 10 electrical infrastructure fires, mass casualty accidents on state
- 11 highways, and urban interface wildland fires, as evidenced by the
- 12 destruction caused by, but not limited to, the 1989 Loma Prieta
- 13 and the 1994 Northridge earthquakes, the 1989 San Bernardino
- 14 Duffy Street train derailment disaster, the 1978 San Diego and the
- 15 1986 Cerritos midair collisions, the 2005 La Conchita landslide,
- 16 the 1991 Oakland hills firestorm, the wildland firestorms in 2003,
- 17 2007, and 2008, and the environmental damage caused by the 1996
- 18 Panoche and the 1998 Tracy used tire stockpile fires.
- 19 (b) The Legislature finds and declares that, given the increase
- 20 in the state population and the intensity and frequency of disasters
- 21 within the state, it is evident that assistance is needed to enable
- 22 the state to purchase additional firefighting and emergency
- 23 equipment and apparatus for state and local emergency response

1 and further build the ability to mitigate the effects of all forms of
2 disasters.

3 SEC. 3. Section 8589.19 of the Government Code is amended
4 to read:

5 8589.19. (a) After consultation with the ~~Office of Emergency~~
6 ~~Services~~ *California Emergency Management Fire Advisory*
7 *Committee, the chairperson of the Blue Ribbon Fire Commission,*
8 *the Director of Forestry and Fire Protection, the State Fire*
9 *Marshal, and the chairperson of the State Board of Fire Services,*
10 ~~the director~~ *secretary* shall adopt rules and regulations governing
11 the operation of the programs created by this article pursuant to
12 the Administrative Procedure Act, Chapter 3.5 (commencing with
13 Section 11340) of Part 1 of Division 3.

14 (b) The rules and regulations adopted pursuant to subdivision
15 (a) shall include, but not be limited to, all of the following:

16 (1) The specific types of firefighting apparatus and equipment
17 which may be acquired, rehabilitated, and resold.

18 (2) The amount and terms of resale contracts.

19 (3) The time, format, and manner in which local agencies may
20 apply for resale contracts.

21 (4) Priorities for assisting local agencies which shall give
22 preference to local agencies which meet all of the following:

23 (A) Demonstrated need for primary response firefighting
24 apparatus and equipment.

25 (B) Will be adequately able to operate and maintain the
26 firefighting apparatus and equipment.

27 (C) Have already used other means of financing the firefighting
28 apparatus and equipment.

29 SEC. 4. Section 8589.24 is added to the Government Code, to
30 read:

31 8589.24. (a) From the revenue received by the state from the
32 accessing of oil and gas reserves located beneath state coastal
33 waters, generally known as the "T-Ridge Project," forty-five
34 million six hundred thousand dollars (\$45,600,000) shall annually
35 be deposited in the General Fund to be expended for firefighting
36 purposes, as follows:

37 (1) Thirty million seven hundred fifty thousand dollars
38 (\$30,750,000) shall be deposited into the State Assistance for Fire
39 Equipment Account for the purposes of the State Assistance for
40 Fire Equipment Act. In addition to firefighting apparatus and

1 equipment, as defined in subdivision (c) of Section 8589.10, the
 2 secretary may use funds appropriated under this section to purchase
 3 any fire engine, as defined as a Type 1, 2, 3, or 4 fire engine, Type
 4 1 or 2 water tender, heavy rescue vehicle, combination lighting
 5 and air support vehicle or squad with a rated gross vehicle weight
 6 of one ton or greater that is not primarily designed and utilized to
 7 transport patients, Type 1 mobile communication center vehicle,
 8 and rescue equipment for the purposes of extricating or rescuing
 9 entrapped persons from mass casualty emergency incidents.

10 (2) Three million three hundred thousand dollars (\$3,300,000)
 11 is hereby annually appropriated to the Department of Forestry and
 12 Fire Protection for the purposes of conducting vegetation
 13 management and defensible space projects and wildfire
 14 environmental restoration, including, but not limited to, grants to
 15 local agencies and the Fire Safe Council to employ contractors
 16 and vendors to fund vegetation management and defensible space
 17 projects and wildfire environmental restoration.

18 (3) Ten million two hundred fifty thousand dollars (\$10,250,000)
 19 is hereby annually appropriated to the Department of Forestry and
 20 Fire Protection for the purposes of funding the purchase and
 21 replacement of aging fire engines, bulldozers, and transports for
 22 the department, and to fund the purchase of Urban Search and
 23 Rescue equipment and apparatus when the department assembles
 24 a USAR Team on or after July 1, 2012.

25 (4) One million dollars (\$1,000,000) is hereby annually
 26 appropriated to the office of the State Fire Marshal, State Fire
 27 Training, for the purposes of providing training courses and
 28 materials related to state or federally mandated firefighter training
 29 and certification, including, but not limited to, training courses on
 30 weekends for all volunteer and combination fire agencies in rural
 31 communities.

32 (5) Three hundred thousand dollars (\$300,000) is hereby
 33 annually appropriated to California Volunteers for the purposes
 34 of assisting local agencies in rural communities with volunteer
 35 firefighter recruitment and retention materials, training, and
 36 incentive programs.

37 (b) For purposes of this section, “rural communities” means
 38 any community with a population less than or equal to 20,000
 39 residents with two or fewer fire stations primarily staffed by

1 volunteer firefighters or a combination of career and volunteer
2 firefighters.
3 SEC. 5. This act addresses the fiscal emergency declared by
4 the Governor by proclamation on January 8, 2010, pursuant to
5 subdivision (f) of Section 10 of Article IV of the California
6 Constitution.

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