

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2474

Introduced by Assembly Member Chesbro

February 24, 2012

An act to amend Sections 4210 and 4212 of the Public Resources Code, relating to fire ~~provention~~: prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 2474, as amended, Chesbro. Fire prevention fee: state responsibility areas.

Existing law requires the state to have the primary responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas. Existing law required the board, on or before September 1, 2011, to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each structure on a parcel that is within a state responsibility area. The board is required to adjust the fee annually using prescribed methods.

This bill would ~~make legislative findings and declarations regarding the imposition of the fire prevention fee~~ *require the board, no later than July 1, 2013, to amend those emergency regulations required to be adopted by the board pursuant to those provisions to provide for a credit against the amount of the fee imposed on each structure on a parcel that is within a state responsibility area based upon specified factors, as prescribed, not to exceed a maximum of \$150. The bill would require the board to adjust the fee taking into account specified factors to ensure that the fee accurately reflects the fire prevention benefits provided. The bill would require the board to, not later than January*

1, 2013, and annually thereafter, report to the Legislature on the costs of responding to all fire disasters in state responsibility areas for that year, including specified information.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares that the fire
2 prevention fee imposed pursuant to Chapter 8 of the Statutes of
3 2011 should be implemented in a fair and equitable manner, and
4 should take into consideration any amounts that an owner of a
5 structure in a state responsibility area already pays for local fire
6 service and the severity of the fire zone where the structure is
7 located.

8 SEC. 2. Section 4210 of the Public Resources Code is amended
9 to read:

10 4210. The Legislature finds and declares all of the following:

11 (a) Fire protection of the public trust resources on lands in the
12 state responsibility areas remains a vital interest to California.
13 Lands that are covered in whole or in part by a diverse plant
14 community prevent excessive erosion, retard runoff, reduce
15 sedimentation, and accelerate water percolation to assist in the
16 maintenance of critical sources of water for environmental,
17 irrigation, domestic, or industrial uses.

18 (b) The presence of structures within state responsibility areas
19 can pose an increased risk of fire ignition and an increased potential
20 for fire damage within the state’s wildlands and watersheds. The
21 presence of structures within state responsibility areas can also
22 impair wild land firefighting techniques and could result in greater
23 damage to state lands caused by wildfires.

24 (c) The costs of fire prevention activities aimed at reducing the
25 effects of structures in state responsibility areas should be borne
26 by the owners of these structures.

27 (d) Individual owners of structures within state responsibility
28 areas *that are not within the service area of a local fire district*
29 receive a disproportionately larger benefit from fire prevention
30 activities than that realized by the state’s citizens generally.

31 (e) It is the intent of the Legislature that the economic burden
32 of fire prevention activities that are associated with structures in

1 state responsibility areas shall be equitably distributed among the
2 citizens of the state who generally benefit from those activities
3 and those owners of structures in the state responsibility areas who
4 receive a specific benefit other than that general benefit.

5 (f) It is necessary to impose a fire prevention fee to pay for fire
6 prevention activities in the state responsibility areas that
7 specifically benefit owners of structures in the state responsibility
8 areas.

9 *SEC. 3. Section 4212 of the Public Resources Code is amended*
10 *to read:*

11 4212. (a) (1) By September 1, 2011, the board shall adopt
12 emergency regulations to establish a fire prevention fee for the
13 purposes of this chapter in an amount not to exceed one hundred
14 fifty dollars (\$150) to be charged on each structure on a parcel that
15 is within a state responsibility area.

16 (2) *No later than July 1, 2013, the board shall amend the*
17 *emergency regulation required to be adopted pursuant to this*
18 *section to do the following:*

19 (A) *Specify that an owner of a structure on a parcel within a*
20 *state responsibility area who pays one hundred fifty dollars (\$150)*
21 *or more to a local agency that provides fire protection services in*
22 *the state responsibility area is not required to pay the fire*
23 *prevention fee established pursuant to this chapter.*

24 (B) *Require that an owner of a structure on a parcel within a*
25 *state responsibility area who pays less than one hundred fifty*
26 *dollars (\$150) to a local agency that provides fire protection*
27 *services in the state responsibility area be given a credit against*
28 *the amount of the fire prevention fee imposed pursuant to this*
29 *chapter in an amount equal to the amount paid to the local agency*
30 *for those services.*

31 (C) *Adjust the fire prevention fee established pursuant to this*
32 *chapter to take into account fire history and severity in state*
33 *responsibility areas to ensure that the fee accurately reflects the*
34 *fire prevention benefits provided.*

35 ~~(2)~~

36 (3) The Legislature finds and declares that a fire prevention fee
37 of not more than one hundred fifty dollars (\$150) is a reasonable
38 amount for the necessary fire prevention activities of the state that
39 benefit the owner of a structure within a state responsibility area.

1 (4) *No later than January 1, 2013, and annually thereafter, the*
2 *board shall report to the Legislature on the costs of responding*
3 *to all fire disasters and emergencies in state responsibility areas*
4 *for that year. The report shall contain a breakdown of the costs*
5 *of fire prevention and response in state responsibility areas,*
6 *including all of the following:*

7 (A) *The total costs of fire prevention and response in urban*
8 *versus rural areas in state responsibility areas.*

9 (B) *The estimated costs of fire prevention and response in state*
10 *responsibility areas, as determined by the square footage of a*
11 *structure and any other related fires and natural disasters such*
12 *as earthquakes and other wildland fires.*

13 (b) On July 1, 2013, and annually thereafter, the board shall
14 adjust the fire prevention fees imposed pursuant to this chapter to
15 reflect the percentage of change in the average annual value of the
16 Implicit Price Deflator for State and Local Government Purchases
17 of Goods and Services for the United States, as calculated by the
18 United States Department of Commerce for the 12-month period
19 in the third quarter of the prior calendar year, as reported by the
20 Department of Finance.

21 (c) Emergency regulations adopted pursuant to subdivision (a)
22 shall be adopted in accordance with the rulemaking provisions of
23 the Administrative Procedure Act (Chapter 3.5 (commencing with
24 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
25 Code). The adoption of emergency regulations shall be deemed
26 an emergency and necessary for the immediate preservation of the
27 public peace, health, and safety, or general welfare.