

AMENDED IN ASSEMBLY AUGUST 24, 2012

AMENDED IN ASSEMBLY JUNE 25, 2012

SENATE BILL

No. 1040

**Introduced by ~~Committee on Budget and Fiscal Review~~ Senator
Negrete McLeod**
(Principal coauthor: Assembly Member Nestande)
(Coauthor: Assembly Member Chesbro)

February 6, 2012

An act to ~~amend the Budget Act of 2012 by augmenting Items 6440-001-0001 and 6600-001-0001 of Section 2.00 of that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, Budget Bill.~~ *An act to repeal Chapter 1.5 (commencing with Section 4210) of Part 2 of Division 4 of the Public Resources Code, relating to fire prevention, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1040, as amended, ~~Committee on Budget and Fiscal Review~~ *Negrete McLeod. Budget Act of 2012: augmentation. Fire prevention: fees.*

(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. Existing law requires the board 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 fire prevention fee annually using prescribed methods. Existing law requires the State Board of Equalization to collect the fire prevention fees, as prescribed.

Existing law requires the Department of Forestry and Fire Protection to annually transmit to the State Board of Equalization the appropriate names and addresses of persons who are liable for the fire prevention fee and the amount of the fire prevention fee to be assessed by the State Board of Equalization. Existing law establishes the State Responsibility Area Fire Prevention Fund and requires the fire prevention fees collected, except that portion retained by the State Board of Equalization, to be deposited into the fund and to be available, upon appropriation by the Legislature, for specified fire prevention activities, which would benefit the owners of structures in state responsibility areas who are subject to the fire prevention fee, including, but not limited to, covering startup costs, and for the costs of administration, as specified. Existing law requires the State Board of Equalization to retain and expend, upon appropriation by the Legislature, the funds necessary to pay refunds and for its expenses incurred in collection. Existing law permits a person from whom a fire prevention fee is determined to be due to use an appeals process and, if applicable, a refund process.

This bill would repeal the above provisions.

(2) The bill would provide that its provisions take effect only upon the enactment of AB 1500 of the 2011–12 Regular Session.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

~~(1) The Budget Act of 2012 appropriates specified amounts from the General Fund for public postsecondary education, including \$51,500,000 to the University of California and \$500,000 to Hastings College of the Law for purposes of addressing a portion of their employer pension contribution costs for the University of California Retirement Plan.~~

~~This bill would augment the appropriations to the University of California and Hastings College of the Law by \$37,635,000 and \$365,000, respectively, for purposes of the pension contribution costs described above.~~

~~(2) This bill would appropriate \$125,000,000 from the General Fund to the California State University and \$125,000,000 from the General Fund to the University of California for the 2013–14 fiscal year if those institutions maintain the 2011–12 mandatory systemwide tuition and fee level for the 2012–13 academic year and if the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference number 12-0009) is approved by the voters at the November 6, 2012,~~

statewide general election and the provisions of that act that modify personal income tax rates do not become inoperative, as specified.

(3) This bill would declare that it is to take effect immediately as a Budget Bill.

Vote: majority ²/₃. Appropriation: yes-no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. *It is the intent of the Legislature to repeal the fire*
2 *prevention fee imposed pursuant to Chapter 1.5 (commencing with*
3 *Section 4210) of Part 2 of Division 4 of the Public Resources Code.*

4 SEC. 2. *Chapter 1.5 (commencing with Section 4210) of Part*
5 *2 of Division 4 of the Public Resources Code is repealed.*

6 SEC. 3. *This bill shall take effect contingent on the enactment*
7 *of Assembly Bill 1500 of the 2011–12 Regular Session.*

8 SEC. 4. *This act is an urgency statute necessary for the*
9 *immediate preservation of the public peace, health, or safety within*
10 *the meaning of Article IV of the Constitution and shall go into*
11 *immediate effect. The facts constituting the necessity are:*

12 *To relieve property owners in state responsibility areas from*
13 *the requirement to pay the fire prevention fees, it is necessary for*
14 *this measure to take effect immediately.*

15 ~~SECTION 1. The sum of thirty-seven million six hundred~~
16 ~~thirty-five thousand dollars (\$37,635,000) is hereby appropriated~~
17 ~~from the General Fund for expenditure for the 2012–13 fiscal year~~
18 ~~in augmentation of Item 6440-001-0001 of Section 2.00 of the~~
19 ~~Budget Act of 2012 for purposes of provision 16 of that item.~~

20 ~~SEC. 2. The sum of three hundred sixty-five thousand dollars~~
21 ~~(\$365,000) is hereby appropriated from the General Fund for~~
22 ~~expenditure for the 2012–13 fiscal year in augmentation of Item~~
23 ~~6600-001-0001 of Section 2.00 of the Budget Act of 2012 for~~
24 ~~purposes of provision 4 of that item.~~

25 ~~SEC. 3. The sum of one hundred twenty-five million dollars~~
26 ~~(\$125,000,000) is hereby appropriated from the General Fund to~~
27 ~~the California State University for expenditure for the 2013–14~~
28 ~~fiscal year only if both of the following conditions exist:~~

29 ~~(a) The Schools and Local Public Safety Protection Act of 2012~~
30 ~~(Attorney General reference number 12-0009) is approved by the~~
31 ~~voters at the November 6, 2012, statewide general election, and~~

1 the provisions of that act that modify personal income tax rates do
2 not become inoperative due to a conflict with another initiative
3 measure that is approved at the same election and receives a greater
4 number of affirmative votes.

5 (b) The California State University maintains the 2011–12
6 mandatory systemwide tuition and fee level for the 2012–13
7 academic year.

8 SEC. 4. The sum of one hundred twenty-five million dollars
9 (\$125,000,000) is hereby appropriated from the General Fund to
10 the University of California for expenditure for the 2013–14 fiscal
11 year only if both of the following conditions exist:

12 (a) The Schools and Local Public Safety Protection Act of 2012
13 (Attorney General reference number 12-0009) is approved by the
14 voters at the November 6, 2012, statewide general election, and
15 the provisions of that act that modify personal income tax rates do
16 not become inoperative due to a conflict with another initiative
17 measure that is approved at the same election and receives a greater
18 number of affirmative votes.

19 (b) The University of California maintains the 2011–12
20 mandatory systemwide tuition and fee level for the 2012–13
21 academic year.

22 SEC. 5. This act is a Budget Bill within the meaning of
23 subdivision (e) of Section 12 of Article IV of the California
24 Constitution and shall take effect immediately.