

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 929

Introduced by Assembly Member Jones

February 22, 2013

An act to amend Section ~~4210~~ 4212 of the Public Resources Code, relating to state responsibility areas.

LEGISLATIVE COUNSEL'S DIGEST

AB 929, as amended, Jones. State responsibility areas: structures: fees.

Existing law requires the State Board of Forestry and Fire Protection, 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 habitable structure on a parcel that is within a state responsibility area, as defined, and requires that the fire prevention fee be adjusted annually using prescribed methods. Existing law requires the State Board of Equalization to collect the fire prevention fees, as prescribed, commencing with the 2011–12 fiscal year.

This bill would require the board, in collaboration with the State Board of Equalization, to develop a procedure for the reimbursement of persons who have paid a fire prevention fee covering a structure that was previously in an area within a state responsibility area, but that has been determined to no longer be within the boundaries of that state responsibility area.

~~Existing law states that the Legislature finds and declares that fire protection of public trust resources on lands in state responsibility areas remains a vital interest to California and that it is necessary to impose a fire prevention fee to pay for fire prevention activities in the state~~

responsibility areas that specifically benefit owners of structures in the areas:

~~This bill would make technical, nonsubstantive changes to that law.~~

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. Section 4212 of the Public Resources Code is
2 amended to read:

3 4212. (a) (1) By September 1, 2011, the board shall adopt
4 emergency regulations to establish a fire prevention fee for the
5 purposes of this chapter in an amount not to exceed one hundred
6 fifty dollars (\$150) to be charged on each structure on a parcel that
7 is within a state responsibility area.

8 (2) The Legislature finds and declares that a fire prevention fee
9 of not more than one hundred fifty dollars (\$150) is a reasonable
10 amount for the necessary fire prevention activities of the state that
11 benefit the owner of a structure within a state responsibility area.

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

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

27 (d) *The board, in collaboration with the State Board of*
28 *Equalization, shall develop a procedure for the reimbursement of*
29 *persons who have paid a fire prevention fee covering a structure*
30 *that was previously located within a state responsibility area, but*
31 *that has been determined to no longer fall within the boundaries*
32 *of that state responsibility area.*

1 SECTION 1. ~~Section 4210 of the Public Resources Code is~~
2 ~~amended to read:~~

3 4210. ~~The Legislature finds and declares all of the following:~~

4 (a) ~~Fire protection of public trust resources on lands in state~~
5 ~~responsibility areas remains a vital interest to California. Lands~~
6 ~~that are covered in whole or in part by a diverse plant community~~
7 ~~prevent excessive erosion, retard runoff, reduce sedimentation,~~
8 ~~and accelerate water percolation to assist in the maintenance of~~
9 ~~critical sources of water for environmental, irrigation, domestic,~~
10 ~~or industrial uses.~~

11 (b) ~~The presence of structures within state responsibility areas~~
12 ~~can pose an increased risk of fire ignition and an increased potential~~
13 ~~for fire damage within the state's wildlands and watersheds. The~~
14 ~~presence of structures within state responsibility areas can also~~
15 ~~impair wild land firefighting techniques and could result in greater~~
16 ~~damage to state lands caused by wildfires.~~

17 (c) ~~The costs of fire prevention activities aimed at reducing the~~
18 ~~effects of structures in state responsibility areas should be borne~~
19 ~~by the owners of these structures.~~

20 (d) ~~Individual owners of structures within state responsibility~~
21 ~~areas receive a disproportionately larger benefit from fire~~
22 ~~prevention activities than that realized by the state's citizens~~
23 ~~generally.~~

24 (e) ~~It is the intent of the Legislature that the economic burden~~
25 ~~of fire prevention activities that are associated with structures in~~
26 ~~state responsibility areas shall be equitably distributed among the~~
27 ~~citizens of the state who generally benefit from those activities~~
28 ~~and those owners of structures in the state responsibility areas who~~
29 ~~receive a specific benefit other than that general benefit.~~

30 (f) ~~It is necessary to impose a fire prevention fee to pay for fire~~
31 ~~prevention activities in the state responsibility areas that~~
32 ~~specifically benefit owners of structures in the state responsibility~~
33 ~~areas.~~