

AMENDED IN ASSEMBLY APRIL 22, 2013

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 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 *and implement, in accordance with prescribed requirements*, a procedure for the reimbursement of persons who have paid, *between January 1, 2015, and December 31, 2016*, 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.

Vote: majority. Appropriation: no. Fiscal committee: 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 *and implement* a procedure for the
29 reimbursement of persons who have paid a fire prevention fee
30 covering a structure that was previously located within a state
31 responsibility area, but that has been determined to no longer fall
32 within the boundaries of that state responsibility~~area~~. *area in*
33 *accordance with the following requirements:*
34 (1) (A) *The board shall prepare and submit to the Board of*
35 *Equalization a list of structures that were located in a state*

1 responsibility area, but that were later determined by the board
2 to no longer fall within the boundaries of a state responsibility
3 area, pursuant to the classification of lands in a state responsibility
4 area required by Section 4125.

5 (B) The board shall develop a form for requesting
6 reimbursement for payment of the fire prevention fee, and shall
7 make that form available to any owner of a structure identified
8 pursuant to subparagraph (A) who paid the fee and wishes to
9 request reimbursement of the fee pursuant to this subdivision.

10 (2) An owner of a structure that was within the boundaries of
11 a state responsibility area, but that was later determined to no
12 longer fall within the boundaries of a state responsibility area
13 shall file any request for reimbursement for payment of the fire
14 prevention fee on a form developed pursuant to subparagraph (B)
15 of paragraph (1) with the board. The board shall review the request
16 and, if it determines the request for reimbursement should be
17 granted, shall forward the request to the State Board of
18 Equalization for issuance of a refund.

19 (3) The State Board of Equalization shall provide reimbursement
20 of any fire prevention fee paid by a person who is eligible for
21 reimbursement and is the owner of a structure that was determined
22 by the board, pursuant to paragraph (2), to no longer fall within
23 the boundaries of that state responsibility area.

24 (4) An owner of a structure in a state responsibility area that
25 receives reimbursement of that fee pursuant to this subdivision
26 shall not be entitled to any interest or penalties on any amounts
27 refunded.

28 (5) Reimbursements provided pursuant to this subdivision shall
29 only be available for fire prevention fees paid by an owner of a
30 structure between January 1, 2015, and December 31, 2016.