

AMENDED IN SENATE AUGUST 11, 2014

AMENDED IN SENATE JUNE 24, 2014

AMENDED IN ASSEMBLY MAY 13, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2151

Introduced by Assembly Member Wagner

February 20, 2014

An act to add Sections 26614.6 and 26614.7 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2151, as amended, Wagner. Counties: search and or rescue: costs.

Existing law provides that persons whose ~~intentional wrongful conduct~~ *proximately causes specified actions* cause an incident resulting in an appropriate emergency response is liable for the expenses of an emergency response by a public agency to the incident, up to \$12,000 per incident.

Existing law provides that the board of supervisors of a county may authorize the sheriff to search for and rescue persons, and that the ~~expense~~ *expenses* incurred by the sheriff in the performance of those duties are a proper county charge. Existing law also requires the county or city and county of residence of a person, searched for or rescued by a sheriff, to pay to the county or city and county conducting the search or rescue all of the reasonable search or rescue expenses in excess of \$100 within 30 days after the submission of a *reimbursement* claim.

This bill, notwithstanding the existing provisions relating to liability for specified emergency response expenses, would provide that whenever a county or city and county ~~is billed by~~ *either receives a*

reimbursement claim from another county or city and county for, or conducts, a search or rescue, or conducts its own search or rescue, of one of its residents who is 16 years of age or older, the county or city and county may in turn seek reimbursement for the actual costs incurred from that resident, if the need for the search or rescue necessitated the use of extraordinary methods and was caused by specified acts or omissions, and omissions. The bill would require the person resident to pay within 30 days after being billed. This bill would prohibit the county or city and county from collecting charges reimbursement from those persons who whom the county or city and county determines are unable to pay the charges. The bill would prohibit a county or city and county from billing a resident more than \$12,000, adjusted annually for inflation as determined by the Department of Industrial Relations, for a search or rescue, unless the search or rescue is the result of a criminal violation punishable as a felony. This bill would provide that the county or city and county may only seek reimbursement if the board of supervisors of that county or city and county passes an ordinance consistent with this bill.

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

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

1 SECTION 1. Section 26614.6 is added to the Government
 2 Code, to read:
 3 26614.6. (a) Notwithstanding Article 8 (commencing with
 4 Section 53150) of Chapter 1 of Part 1 of Division 2 of Title 5,
 5 whenever a county or city and county is billed for a search or
 6 rescue of one of its residents who is 16 years of age or older by
 7 another county or city and county, the county or city and county
 8 receiving the bill may in turn seek reimbursement for the actual
 9 costs incurred, including, but not limited to, the cost of operating
 10 vehicles or aircraft, the salaries of employees, and the cost of
 11 providing emergency medical services, from that resident if the
 12 need for the search or rescue necessitated the use of extraordinary
 13 methods and was caused by any of the following: following:
 14 (1) Any intentional act in knowing violation of any federal or
 15 state law or local ordinance.

1 (2) Any act or omission by the person searched for or rescued
2 that shows wanton and reckless misconduct in disregard for his or
3 her safety.

4 (b) (1) The county or city and county shall not collect charges
5 from those persons ~~who~~ *whom* the county or city and county
6 determines are unable to pay the charges.

7 (2) *A county or city and county shall not bill a resident under*
8 *this section more than twelve thousand dollars (\$12,000), adjusted*
9 *annually for inflation as measured by the percentage change in*
10 *the California Consumer Price Index from January 1 of the prior*
11 *year to January 1 of the current year, as determined by the*
12 *Department of Industrial Relations, for a search or rescue unless*
13 *the search or rescue was caused by a criminal violation of any*
14 *federal or state law punishable as a felony.*

15 (c) The county or city and county may only seek reimbursement
16 as authorized by this section if the board of supervisors of that
17 county or city and county passes an ordinance consistent with this
18 section.

19 SEC. 2. Section 26614.7 is added to the Government Code, to
20 read:

21 26614.7. (a) Notwithstanding Article 8 (commencing with
22 Section 53150) of Chapter 1 of Part 1 of Division 2 of Title 5,
23 when a person 16 years of age or older ~~living within~~ *who is a*
24 *resident of* a county or city and county ~~is searched for or rescued~~
25 *that conducts a search or rescue of that person*, that person shall
26 pay the county or city and county conducting the search or rescue
27 for the actual cost incurred for the search or rescue, including, but
28 not limited to, the cost of operating vehicles or aircraft, the salaries
29 of employees, and the cost of providing emergency medical
30 services, within 30 days after being billed for those charges if the
31 need for the search or rescue necessitated the use of extraordinary
32 methods and was caused by any of the following :

33 (1) Any intentional act in knowing violation of any federal or
34 state law or local ordinance.

35 (2) Any act or omission by the person searched for or rescued
36 that shows wanton and reckless misconduct in disregard for his or
37 her safety.

38 (b) (1) The county or city and county shall not collect charges
39 from those persons ~~who~~ *whom* the county or city and county
40 determines are unable to pay the charges.

1 (2) *A county or city and county shall not bill a resident under*
2 *this section more than twelve thousand dollars (\$12,000), adjusted*
3 *annually for inflation as measured by the percentage change in*
4 *the California Consumer Price Index from January 1 of the prior*
5 *year to January 1 of the current year; as determined by the*
6 *Department of Industrial Relations, for a search or rescue unless*
7 *the search or rescue was caused by a criminal violation of any*
8 *federal or state law punishable as a felony.*
9 (c) The county or city and county may only seek reimbursement
10 as authorized by this section if the board of supervisors of that
11 county or city and county passes an ordinance consistent with this
12 section.

O