

**Introduced by Senator Gaines**January 22, 2013

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An act to amend Section 4212 of the Public Resources Code, relating to fire prevention.

## LEGISLATIVE COUNSEL'S DIGEST

SB 125, as introduced, Gaines. State responsibility areas: fire prevention 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 structure, as defined 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. Existing law establishes the State Responsibility Area Fire Prevention Fund and prohibits the collection of fire prevention fees if, commencing with the 2012–13 fiscal year, there are sufficient amounts of moneys in the fund to finance specified fire prevention activities for a fiscal year. Existing law requires that the fire prevention fees collected, except as provided, be deposited into the fund and be made available, to the board and the Department of Forestry and Fire Protection for certain specified fire protection activities that benefit the owners of structures in state responsibility areas who are required to pay the fee. Existing law further requires the board, on and after January 1, 2013, to submit an annual written report to the Legislature on specified topics.

This bill would exempt a property owner of a structure that is both within a state responsibility area and within the boundaries of a local

fire district that provides fire protection services in the district from the payment of the above-described fire prevention fee.

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 , *except as provided in*  
8 *subdivision (d).*

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

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.

28 (d) *Notwithstanding any other law, a property owner of a*  
29 *habitable structure that is both within a state responsibility area*  
30 *and within the boundaries of a local fire district that provides fire*  
31 *protection service in the district shall be exempt from the payment*  
32 *of the fire prevention fee required under subdivision (a).*

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