

Introduced by Senator GainesJanuary 31, 2013

An act to amend Section 4212 of the Public Resources Code, relating to fire prevention, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 147, as introduced, Gaines. State responsibility areas: fire prevention fees.

(1) 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 on a parcel that is within a state responsibility area, and requires the board to adjust the fire prevention fee annually using prescribed methods. Existing law requires the State Board of Equalization to collect the fees, as prescribed.

This bill would exempt a property owner of a structure on a parcel that is within a state responsibility area from payment of the fire prevention fee imposed pursuant to those provisions if the property owner has an income of less than 200% of the federal poverty level, as specified.

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

Vote: $\frac{2}{3}$. 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) *Notwithstanding any other law or regulation, a property*
28 *owner of a structure on a parcel that is within a state responsibility*
29 *area shall be exempt from the payment of the fire prevention fee*
30 *imposed pursuant to this section if the property owner has an*
31 *income of less than 200 percent of the federal poverty level, as*
32 *determined by the United States Department of Health and Human*
33 *Services Poverty Guidelines.*

34 SEC. 2. This act is an urgency statute necessary for the
35 immediate preservation of the public peace, health, or safety within
36 the meaning of Article IV of the Constitution and shall go into
37 immediate effect. The facts constituting the necessity are:

1 In order to make statutory changes necessary to provide
2 economic relief to low-income property owners of a structure on
3 a parcel within a state responsibility area by exempting those
4 property owners from the payment of the fire prevention fee, at
5 the earliest possible time, it is necessary that this act take effect
6 immediately.

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