

AMENDED IN SENATE FEBRUARY 14, 2014

SENATE BILL

No. 832

Introduced by Senator Gaines
(Principal coauthor: Assembly Member Dahle)

January 6, 2014

An act to ~~amend Section 4212 of~~ *add Section 5003.20* to the Public Resources Code, relating to ~~forestry and fire prevention~~ *state parks*.

LEGISLATIVE COUNSEL'S DIGEST

SB 832, as amended, Gaines. ~~Forestry and fire prevention: fire prevention fees: natural disasters. State parks: Kings Beach State Recreation Area.~~

Under existing law, the Department of Parks and Recreation is required to operate, manage, and maintain units of the state park system. Existing law regulates the sale of surplus state property.

This bill would authorize the Director of Parks and Recreation to grant to the North Tahoe Public Utility District, subject to specified conditions, all of the rights, title, and interest of the state in the Kings Beach State Recreational Area, in the County of Placer. The bill would require that the real property conveyed be operated, maintained, and improved by the North Tahoe Public Utility District for public recreation purposes, as defined.

~~Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas. Existing law further required the board, 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 to~~

adjust the fee annually using prescribed methods. Existing law requires the State Board of Equalization to collect the fees, as prescribed.

~~This bill would exempt the owner of a property that is within a state responsibility area from payment of the fire prevention fee imposed pursuant to those provisions with respect to a structure, as defined, on the property has been destroyed, or significantly damaged, as a result of a natural disaster.~~

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 5003.20 is added to the Public Resources
2 Code, to read:
3 5003.20. (a) Notwithstanding the provisions of Division 3
4 (commencing with Section 11000) of Title 2 of the Government
5 Code that relate to the disposition of state-owned real property,
6 the director may grant to the North Tahoe Public Utility District,
7 subject to the conditions set forth in this section, all of the rights,
8 title, and interest of the state in the Kings Beach State Recreation
9 Area, in the County of Placer.
10 (b) The grant shall be subject to all of the following conditions:
11 (1) The real property conveyed shall be operated, maintained,
12 and improved by the North Tahoe Public Utility District for public
13 recreation purposes in perpetuity, consistent with any covenants,
14 conditions, and restrictions in the deed transferring the property.
15 The North Tahoe Public Utility District shall operate and keep
16 open the property and its parking facilities on a year-round basis.
17 (2) The North Tahoe Public Utility District shall pay the
18 department fair market value, in accordance with mutually agreed
19 upon terms, for the real property conveyed and as restricted by
20 paragraph (1). The fair market value shall be determined by an
21 appraisal that is reviewed and approved by the Department of
22 General Services.
23 (3) At the option of the state, the real property conveyed shall
24 revert to the state if the real property is not used for public
25 recreation purposes.
26 (4) The North Tahoe Public Utility District shall take the
27 property as is and assume responsibility for compliance with the

1 *Americans with Disabilities Act of 1990, as amended (42 U.S.C.*
2 *Sec. 12101 et seq.).*

3 *(c) The Legislature finds and declares that the transfer to the*
4 *North Tahoe Public Utility District of the real property described*
5 *in subdivision (a) and subject to the conditions specified in*
6 *subdivision (b) is excepted from the provisions of Section 5096.516*
7 *in accordance with paragraph (3) of subdivision (c) of Section*
8 *5096.516.*

9 *(d) For purposes of this section “public recreation purposes”*
10 *includes, but is not limited to, beach use, use of parking facilities*
11 *for events by community residents, visitors, and concessionaires,*
12 *and other uses appropriate to generate funding to support those*
13 *uses on the property.*

14 ~~SECTION 1. Section 4212 of the Public Resources Code is~~
15 ~~amended to read:~~

16 ~~4212. (a) (1) By September 1, 2011, the board shall adopt~~
17 ~~emergency regulations to establish a fire prevention fee for the~~
18 ~~purposes of this chapter in an amount not to exceed one hundred~~
19 ~~fifty dollars (\$150) to be charged on each structure on a parcel that~~
20 ~~is within a state responsibility area.~~

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

25 ~~(b) On July 1, 2013, and annually thereafter, the board shall~~
26 ~~adjust the fire prevention fees imposed pursuant to this chapter to~~
27 ~~reflect the percentage of change in the average annual value of the~~
28 ~~Implicit Price Deflator for State and Local Government Purchases~~
29 ~~of Goods and Services for the United States, as calculated by the~~
30 ~~United States Department of Commerce for the 12-month period~~
31 ~~in the third quarter of the prior calendar year, as reported by the~~
32 ~~Department of Finance.~~

33 ~~(c) Emergency regulations adopted pursuant to subdivision (a)~~
34 ~~shall be adopted in accordance with the rulemaking provisions of~~
35 ~~the Administrative Procedure Act (Chapter 3.5 (commencing with~~
36 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
37 ~~Code). The adoption of emergency regulations shall be deemed~~
38 ~~an emergency and necessary for the immediate preservation of the~~
39 ~~public peace, health, and safety, or general welfare.~~

1 ~~(d) Notwithstanding any other law or regulation, the owner of~~
2 ~~a property that is within a state responsibility area shall be exempt~~
3 ~~from the payment of the fire prevention fee imposed pursuant to~~
4 ~~this section with respect to a structure on the property has been~~
5 ~~destroyed, or significantly damaged, as a result of a natural disaster.~~

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