

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 1075

**Introduced by Senator Knight
(Coauthors: Senators Gaines, Huff, and Nielsen)**

February 19, 2014

An act to add Section 707.1 to the Public Resources Code, relating to the Department of Forestry and Fire Protection.

LEGISLATIVE COUNSEL'S DIGEST

SB 1075, as amended, Knight. Department of Forestry and Fire Protection: civil cost recovery.

Existing law requires a person, who, among other things, negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire to escape onto any public or private property, to be liable for fire suppression costs incurred in fighting the fire and for rescue or emergency medical services. Existing law authorizes public agencies participating in the fire suppression, rescue, or emergency medical services to designate one or more agencies to bring an action to recover the costs incurred by all the participating agencies. Among other things, the Department of Forestry and Fire Protection is responsible for providing fire protection and prevention. Existing law provides that the General Fund consists of moneys received into the Treasury and not required by law to be credited to any other fund.

This bill would require any moneys recovered by the department in a civil action described above to be deposited by the department into the Treasury ~~to the credit of the General Fund, as provided. This provision would apply retroactively to any moneys recovered and retained by the department prior to January 1, 2015.~~ *The bill would require the department to make an annual report to the Legislature*

regarding any moneys recovered in a civil action. The bill would require all moneys in the account in the Special Deposit Fund entitled “Civil Cost Recovery Investigation Support Account” to be immediately be transferred to the General Fund.

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 707.1 is added to the Public Resources
 2 Code, to read:
 3 707.1. (a) Any moneys recovered by the department in a civil
 4 action to recover *state* costs related to fire suppression, rescue, or
 5 emergency medical services pursuant to Section 13009 of the
 6 Health and Safety Code shall be deposited by the department into
 7 the Treasury ~~to the credit of the General Fund as provided in~~
 8 *Section 16305.2 of the Government Code.*
 9 ~~(b) Subdivision (a) shall also apply to any moneys recovered~~
 10 ~~in a civil action pursuant to Section 13009 of the Health and Safety~~
 11 ~~Code, and retained by the department, prior to January 1, 2015.~~
 12 (b) (1) *Notwithstanding Section 10231.5 of the Government*
 13 *Code, the department shall, no later than January 10 of each year,*
 14 *submit a report to the Legislature regarding any moneys recovered*
 15 *by the department in a civil action, as described in subdivision*
 16 *(a), in the prior year. The report shall include, but not be limited*
 17 *to, all of the following information:*
 18 (A) *Name, date, location, and total costs of the fire, and the*
 19 *amount of any federal moneys received.*
 20 (B) *Settlement or judgment information including the date and*
 21 *total value of the settlement or judgment.*
 22 (C) *The amount of the settlement or judgment abated against*
 23 *expenses whether state or federal, local remittance, or total*
 24 *General Fund recovery including the abatement of expenses or*
 25 *miscellaneous revenues.*
 26 (D) *Information specifying whether the settlement, if applicable,*
 27 *was approved at the unit, region, or headquarters level.*
 28 (2) *A report submitted pursuant to paragraph (1) shall be*
 29 *submitted in compliance with Section 9795 of the Government*
 30 *Code.*

1 (c) *All moneys in the account in the Special Deposit Fund*
2 *entitled “Civil Cost Recovery Investigation Support Account” shall*
3 *be immediately transferred to the General Fund.*

O