

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2035

Introduced by Assembly Member Bigelow

February 16, 2016

An act to amend Section ~~4171~~ 4214 of the Public Resources Code, relating to ~~forest fires~~ *fire prevention*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2035, as amended, Bigelow. ~~Forest fires: public nuisance. State responsibility areas: payments to local government entities: fire prevention activities.~~

Existing law requires the State Board of Forestry and Fire Protection to establish a fire prevention fee to be charged on each habitable structure, defined as a building used or intended to be used for human habitation, on a parcel that is within a state responsibility area, as defined. Existing law requires that moneys collected from the fee be deposited into the State Responsibility Area Fire Prevention Fund and be available, upon appropriation, to the board and the Department of Forestry and Fire Protection for specified fire prevention activities that benefit the owners of habitable structures within a state responsibility area who are required to pay the fee, as prescribed. Existing law requires the board, among other things, to establish a local assistance grant program for those fire prevention activities provided by counties and other local agencies with state responsibility areas within their jurisdictions.

This bill would also expressly authorize the use of moneys in the fund for payments to local government entities that carry out fire prevention

activities in state responsibility areas pursuant to an agreement with the department.

~~Existing law provides that a condition endangering public safety by creating a fire hazard and that exists upon property in a state responsibility area is a public nuisance.~~

~~This bill would make nonsubstantive changes to this law.~~

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

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

1 SECTION 1. Section 4214 of the Public Resources Code is
2 amended to read:

3 4214. (a) Fire prevention fees collected pursuant to this chapter
4 shall be expended, upon appropriation by the Legislature, as
5 follows:

6 (1) The State Board of Equalization shall retain moneys
7 necessary for the payment of refunds pursuant to Section 4228 and
8 reimbursement of the State Board of Equalization for expenses
9 incurred in the collection of the fee.

10 (2) The moneys collected, other than those retained by the State
11 Board of Equalization pursuant to paragraph (1), shall be deposited
12 into the State Responsibility Area Fire Prevention Fund, which is
13 hereby created in the State Treasury, and shall be available to the
14 board and the department to expend for fire prevention activities
15 specified in subdivision (d) that benefit the owners of habitable
16 structures within a state responsibility area who are required to
17 pay the fire prevention fee. The amount expended to benefit the
18 owners of habitable structures within a state responsibility area
19 shall be commensurate with the amount collected from the owners
20 within that state responsibility area. All moneys in excess of the
21 costs of administration of the board and the department shall be
22 expended only for fire prevention activities in counties with state
23 responsibility areas.

24 (b) (1) The fund may also be used to cover the costs of
25 administering this chapter.

26 (2) The fund shall cover all startup costs incurred over a period
27 not to exceed two years.

1 (c) It is the intent of the Legislature that the moneys in this fund
2 be fully appropriated to the board and the department each year
3 in order to effectuate the purposes of this chapter.

4 (d) Moneys in the fund shall be used only for the following fire
5 prevention activities, which shall benefit owners of habitable
6 structures within the state responsibility areas who are required to
7 pay the annual fire prevention fee pursuant to this chapter:

8 (1) Local assistance grants pursuant to subdivision (e).

9 (2) Grants to Fire Safe Councils, the California Conservation
10 Corps, or certified local conservation corps for fire prevention
11 projects and activities in the state responsibility areas.

12 (3) Grants to a qualified nonprofit organization with a
13 demonstrated ability to satisfactorily plan, implement, and complete
14 a fire prevention project applicable to the state responsibility areas.
15 The department may establish other qualifying criteria.

16 (4) Inspections by the department for compliance with defensible
17 space requirements around habitable structures in state
18 responsibility areas as required by Section 4291.

19 (5) Public education to reduce fire risk in the state responsibility
20 areas.

21 (6) Fire severity and fire hazard mapping by the department in
22 the state responsibility areas.

23 (7) *Payments to local government entities that carry out fire*
24 *prevention activities in state responsibility areas pursuant to an*
25 *agreement with the department.*

26 ~~(7)~~

27 (8) Other fire prevention projects in the state responsibility
28 areas, authorized by the board.

29 (e) (1) The board shall establish a local assistance grant program
30 for fire prevention activities designed to benefit habitable structures
31 within state responsibility areas, including public education, that
32 are provided by counties and other local agencies, including special
33 districts, with state responsibility areas within their jurisdictions.

34 (2) In order to ensure an equitable distribution of funds, the
35 amount of each grant shall be based on the number of habitable
36 structures in state responsibility areas for which the applicant is
37 legally responsible and the amount of moneys made available in
38 the annual Budget Act for this local assistance grant program.

39 (f) By January 31, 2015, and annually thereafter, the board shall
40 submit to the Legislature a written report on the status and uses of

1 the fund pursuant to this chapter. The written report shall also
2 include an evaluation of the benefits received by counties based
3 on the number of habitable structures in state responsibility areas
4 within their jurisdictions, the effectiveness of the board's grant
5 programs, the number of defensible space inspections in the
6 reporting period, the degree of compliance with defensible space
7 requirements, measures to increase compliance, if any, and any
8 recommendations to the Legislature.

9 (g) (1) The requirement for submitting a report imposed under
10 subdivision (f) is inoperative on January 31, 2017, pursuant to
11 Section 10231.5 of the Government Code.

12 (2) A report to be submitted pursuant to subdivision (f) shall be
13 submitted in compliance with Section 9795 of the Government
14 Code.

15 (h) It is essential that this article be implemented without delay.
16 To permit timely implementation, the department may contract
17 for services related to the establishment of the fire prevention fee
18 collection process. For this purpose only, and for a period not to
19 exceed 24 months, the provisions of the Public Contract Code or
20 any other provision of law related to public contracting shall not
21 apply.

22 ~~SECTION 1. Section 4171 of the Public Resources Code is~~
23 ~~amended to read:~~

24 ~~4171. A condition endangering public safety by creating a fire~~
25 ~~hazard and that exists upon property that is included within a state~~
26 ~~responsibility area is a public nuisance.~~