

Introduced by Senator Berryhill

February 19, 2016

An act to amend Section 4214 of the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 1293, as introduced, Berryhill. Fire prevention: fire fee.

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 habitable structure on a parcel that is within a state responsibility area. Existing law requires the fee moneys to be expended, upon appropriation, in specified ways, including to reimburse the State Board of Equalization's expenses incurred in the collection of the fee and to the State Board of Forestry and Fire Protection and to the Department of Forestry and Fire Protection for administration purposes.

This bill would make a nonsubstantive change to this law.

Vote: majority. Appropriation: no. Fiscal committee: no.
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

1 reimbursement of the State Board of Equalization for expenses
2 incurred in the collection of the fee.

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

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

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

21 (c) It is the intent of the Legislature that the moneys in ~~this~~ *the*
22 fund be fully appropriated to the board and the department each
23 year in order to effectuate the purposes of this chapter.

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

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

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

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

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

39 (5) Public education to reduce fire risk in the state responsibility
40 areas.

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

3 (7) Other fire prevention projects in the state responsibility
4 areas, authorized by the board.

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

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

15 (f) By January 31, 2015, and annually thereafter, the board shall
16 submit to the Legislature a written report on the status and uses of
17 the fund pursuant to this chapter. The written report shall also
18 include an evaluation of the benefits received by counties based
19 on the number of habitable structures in state responsibility areas
20 within their jurisdictions, the effectiveness of the board's grant
21 programs, the number of defensible space inspections in the
22 reporting period, the degree of compliance with defensible space
23 requirements, measures to increase compliance, if any, and any
24 recommendations to the Legislature.

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

28 (2) A report to be submitted pursuant to subdivision (f) shall be
29 submitted in compliance with Section 9795 of the Government
30 Code.

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

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