

Introduced by Senator Nielsen
(Coauthors: Senators Gaines, Morrell, and Stone)
(Coauthors: Assembly Members Gallagher and Wilk)

February 19, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1347, as introduced, Nielsen. Fire prevention fee: administration.

Existing law requires the State Board of Forestry and Fire Protection 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, with excess money being expended only for specified fire prevention activities, as provided.

This bill would provide that no more than 5% of the fees moneys may be used for administrative purposes.

Existing law, until January 31, 2017, requires the board to submit an annual written report to the Legislature on the status of the uses of the fee moneys.

This bill would continue that requirement until January 31, 2022.

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 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~~: *fee, subject to the limit in*
10 *subdivision (b).*

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

25 (b) ~~(1) The fund~~ *Not more than 5 percent of the fees collected*
26 *pursuant to this chapter* may ~~also~~ be used to cover the costs of
27 administering this chapter.

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

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

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

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

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

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

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

11 (5) Public education to reduce fire risk in the state responsibility
12 areas.

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

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

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

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

27 (f) By January 31, 2015, and annually thereafter, the board shall
28 submit to the Legislature a written report on the status and uses of
29 the fund pursuant to this chapter. The written report shall also
30 include an evaluation of the benefits received by counties based
31 on the number of habitable structures in state responsibility areas
32 within their jurisdictions, the effectiveness of the board's grant
33 programs, the number of defensible space inspections in the
34 reporting period, the degree of compliance with defensible space
35 requirements, measures to increase compliance, if any, and any
36 recommendations to the Legislature.

37 (g) (1) The requirement for submitting a report imposed under
38 subdivision (f) is inoperative on January 31, 2017, pursuant to
39 Section 10231.5 of the Government Code. 2022.

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

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

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