

AMENDED IN ASSEMBLY APRIL 25, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2474

Introduced by Assembly Member Chesbro

February 24, 2012

An act to amend Sections 4210 and 4212 of the Public Resources Code, relating to fire prevention, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2474, as amended, Chesbro. Fire prevention fee: state responsibility areas.

Existing law requires the state to have the primary 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 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. The board is required to adjust the fee annually using prescribed methods.

This bill would require the board, no later than July 1, 2013, to amend those emergency regulations required to be adopted by the board pursuant to those provisions to provide for a credit against the amount of the fee imposed on each structure on a parcel that is within a state responsibility area based upon specified factors, as prescribed, not to exceed a maximum of \$150. The bill would require the board to adjust the fee taking into account specified factors to ensure that the fee

accurately reflects the fire prevention benefits provided. The bill would require the board to, not later than January 1, 2013, and annually thereafter, report to the Legislature on the costs of responding to all fire disasters in state responsibility areas for that year, including specified information.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares that the fire
2 prevention fee imposed pursuant to Chapter 8 of the Statutes of
3 2011 should be implemented in a fair and equitable manner, and
4 should take into consideration any amounts that an owner of a
5 structure in a state responsibility area already pays for local fire
6 service and the severity of the fire zone where the structure is
7 located.

8 SEC. 2. Section 4210 of the Public Resources Code is amended
9 to read:

10 4210. The Legislature finds and declares all of the following:

11 (a) Fire protection of the public trust resources on lands in the
12 state responsibility areas remains a vital interest to California.
13 Lands that are covered in whole or in part by a diverse plant
14 community prevent excessive erosion, retard runoff, reduce
15 sedimentation, and accelerate water percolation to assist in the
16 maintenance of critical sources of water for environmental,
17 irrigation, domestic, or industrial uses.

18 (b) The presence of structures within state responsibility areas
19 can pose an increased risk of fire ignition and an increased potential
20 for fire damage within the state's wildlands and watersheds. The
21 presence of structures within state responsibility areas can also
22 impair wild land firefighting techniques and could result in greater
23 damage to state lands caused by wildfires.

24 (c) The costs of fire prevention activities aimed at reducing the
25 effects of structures in state responsibility areas should be borne
26 by the owners of these structures.

27 (d) Individual owners of structures within state responsibility
28 areas that are not within the service area of a local fire district

1 receive a disproportionately larger benefit from fire prevention
2 activities than that realized by the state's citizens generally.

3 (e) It is the intent of the Legislature that the economic burden
4 of fire prevention activities that are associated with structures in
5 state responsibility areas shall be equitably distributed among the
6 citizens of the state who generally benefit from those activities
7 and those owners of structures in the state responsibility areas who
8 receive a specific benefit other than that general benefit.

9 (f) It is necessary to impose a fire prevention fee to pay for fire
10 prevention activities in the state responsibility areas that
11 specifically benefit owners of structures in the state responsibility
12 areas.

13 SEC. 3. Section 4212 of the Public Resources Code is amended
14 to read:

15 4212. (a) (1) By September 1, 2011, the board shall adopt
16 emergency regulations to establish a fire prevention fee for the
17 purposes of this chapter in an amount not to exceed one hundred
18 fifty dollars (\$150) to be charged on each structure on a parcel that
19 is within a state responsibility area.

20 (2) No later than July 1, 2013, the board shall amend the
21 emergency regulation required to be adopted pursuant to this
22 section to do the following:

23 (A) Specify that an owner of a structure on a parcel within a
24 state responsibility area who pays one hundred fifty dollars (\$150)
25 or more to a local agency that provides fire protection services in
26 the state responsibility area is not required to pay the fire
27 prevention fee established pursuant to this chapter.

28 (B) Require that an owner of a structure on a parcel within a
29 state responsibility area who pays less than one hundred fifty
30 dollars (\$150) to a local agency that provides fire protection
31 services in the state responsibility area be given a credit against
32 the amount of the fire prevention fee imposed pursuant to this
33 chapter in an amount equal to the amount paid to the local agency
34 for those services.

35 (C) Adjust the fire prevention fee established pursuant to this
36 chapter to take into account fire history and severity in state
37 responsibility areas to ensure that the fee accurately reflects the
38 fire prevention benefits provided.

39 (3) The Legislature finds and declares that a fire prevention fee
40 of not more than one hundred fifty dollars (\$150) is a reasonable

1 amount for the necessary fire prevention activities of the state that
2 benefit the owner of a structure within a state responsibility area.

3 (4) No later than January 1, 2013, and annually thereafter, the
4 board shall report to the Legislature on the costs of responding to
5 all fire disasters and emergencies in state responsibility areas for
6 that year. The report shall contain a breakdown of the costs of fire
7 prevention and response in state responsibility areas, including all
8 of the following:

9 (A) The total costs of fire prevention and response in urban
10 versus rural areas in state responsibility areas.

11 (B) The estimated costs of fire prevention and response in state
12 responsibility areas, as determined by the square footage of a
13 structure and any other related fires and natural disasters such as
14 earthquakes and other wildland fires.

15 (b) On July 1, ~~2013~~ 2012, and annually thereafter, the board
16 shall adjust the fire prevention fees imposed pursuant to this chapter
17 to reflect the percentage of change in the average annual value of
18 the Implicit Price Deflator for State and Local Government
19 Purchases of Goods and Services for the United States, as
20 calculated by the United States Department of Commerce for the
21 12-month period in the third quarter of the prior calendar year, as
22 reported by the Department of Finance.

23 (c) Emergency regulations adopted pursuant to subdivision (a)
24 shall be adopted in accordance with the rulemaking provisions of
25 the Administrative Procedure Act (Chapter 3.5 (commencing with
26 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
27 Code). The adoption of emergency regulations shall be deemed
28 an emergency and necessary for the immediate preservation of the
29 public peace, health, and safety, or general welfare.

30 *SEC. 4. This act is an urgency statute necessary for the*
31 *immediate preservation of the public peace, health, or safety within*
32 *the meaning of Article IV of the Constitution and shall go into*
33 *immediate effect. The facts constituting the necessity are:*

34 *In order to authorize the board to adjust fire prevention fees for*
35 *the protection of public health and safety, it is necessary that this*
36 *statute take effect immediately.*