

AMENDED IN SENATE APRIL 27, 2011

AMENDED IN SENATE APRIL 26, 2011

SENATE BILL

No. 49

Introduced by Senator Strickland
(Coauthors: Senators Dutton, Harman, and Runner)
(Coauthors: Assembly Members Gorell, Grove, Mansoor, Silva, and
Wagner)

December 15, 2010

An act to add Section 53159.5 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 49, as amended, Strickland. Local government: emergency response: fees.

Existing law authorizes public agencies, as defined, to hold liable any person who is under the influence of an alcoholic beverage, any drug, or the combination of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, a boat or vessel, or a civil aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes an incident resulting in an appropriate emergency response, for the expense of that emergency response.

This bill would prohibit a city, including a charter city, county, district, municipal corporation, or public authority from charging a fee to any person, regardless of residency, for the expense of an emergency response, as specified, except where a fee is otherwise authorized. This bill would ~~state provide~~ that its provisions ~~apply only~~ *do not apply* to

a special district ~~that~~ *unless that special district* receives revenue from transaction and use taxes, as specified.

The bill would also express a legislative finding and declaration that the availability and use of emergency response resources throughout the state is an issue of statewide concern and not a municipal affair and that, therefore, all cities, including charter cities, would be subject to the provisions of the bill.

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 53159.5 is added to the Government
2 Code, to read:

3 53159.5. (a) A city, including a charter city, county, district,
4 municipal corporation, or public authority shall not, except as
5 otherwise authorized by law, charge a fee to any person, regardless
6 of residency, for the expense of an emergency response.

7 (b) For purposes of this section, emergency response includes,
8 but is not limited to, fire, police, or medical response.

9 (c) This section shall ~~only~~ *not* apply to a special district ~~that~~
10 *unless that special district* receives revenue from transaction and
11 use taxes in accordance with the Transaction and Use Tax Law
12 (Part 1.6 (commencing with Section 7251) of Division 2 of the
13 Revenue and Taxation Code).

14 SEC. 2. The Legislature finds and declares that the availability
15 and use of emergency response resources throughout the state is
16 an issue of statewide concern and not a municipal affair, as that
17 term is used in Section 5 of Article XI of the California
18 Constitution. Therefore, this act shall apply to all cities, including
19 charter cities.