

AMENDED IN SENATE JUNE 14, 2017

AMENDED IN ASSEMBLY MARCH 14, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 211

Introduced by Assembly Member Bigelow

(Principal coauthors: Senators Berryhill and Morrell)

(Coauthors: Assembly Members Obernolte, Patterson, and Wood)

January 23, 2017

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

LEGISLATIVE COUNSEL'S DIGEST

AB 211, as amended, Bigelow. State responsibility area fire prevention fees: reporting requirement.

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 administrative purposes, with excess moneys being expended only for specified fire prevention activities, as provided. *Existing law requires the fund to cover startup costs of the fire prevention fee program over a period not to exceed 2 years.* 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 require, by January 31, 2018, the department to submit the report to the Legislature and the board. The bill would require the report to include an itemized accounting of all expenditures from the fund, including a specific itemized accounting relating to equipment expenditures, and a description of any positions that are associated with each expenditure, among other things. The bill would require the reporting to occur annually for an indefinite period of time. *The bill would delete the provision regarding the startup costs of the fire prevention fee program.*

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.
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.

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

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

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

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

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

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

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

21 (5) Public education to reduce fire risk in the state responsibility
22 areas.

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

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

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

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

37 (f) By January 31, 2018, and, notwithstanding Section 10231.5
38 of the Government Code, annually thereafter, the department shall
39 submit to the Legislature and the board a written report on the

1 status and uses of the fund pursuant to this chapter. The report
2 shall include all of the following:

3 (1) An evaluation of the benefits received by counties based on
4 the number of habitable structures in state responsibility areas
5 within their jurisdictions, the effectiveness of the board’s grant
6 programs, the number of defensible space inspections in the
7 reporting period, the degree of compliance with defensible space
8 requirements, measures to increase compliance, if any.

9 (2) An itemized accounting of all expenditures from the fund,
10 including a specific itemized accounting relating to equipment
11 expenditures, and a description of any positions that are associated
12 with each expenditure.

13 (3) A description of each program, subprogram, and element
14 for which the department uses moneys generated from the fire
15 prevention fee, including an itemized accounting of expenditures
16 for each program, subprogram, and element.

17 (4) A description of the grants awarded and expenditures of
18 grant moneys.

19 (5) A description of actual expenditures for the previous fiscal
20 year, estimated expenditures for the current fiscal year, and
21 budgeted expenditures for the budget year.

22 (6) Any recommendations to the Legislature, including any
23 recommendations on the status and use of the fund.

24 (g) A report to be submitted to the Legislature pursuant to
25 subdivision (f) shall be submitted in compliance with Section 9795
26 of the Government Code.

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