
THIRD READING

Bill No: SB 1136
Author: Morrell (R), et al.
Amended: 4/5/16
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 9-0, 3/29/16
AYES: Pavley, Stone, Allen, Hertzberg, Hueso, Jackson, Monning, Vidak, Wolk

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Fire prevention: state responsibility areas: report

SOURCE: Author

DIGEST: This bill extends the sunset and adds reporting requirements to the annual report from the California Department of Forestry and Fire Protection (CDF) regarding the expenditure of state responsibility area (SRA) fire fees.

ANALYSIS:

Existing law:

- 1) Enacts the SRA fire prevention fee following the signing of ABX1 29 (Blumenfield, Chapter 8, Statutes of 2011-12 First Extraordinary Session) in July 2011. The law approved the new fee to pay for fire prevention services within the SRA. The fee is applied to all habitable structures within the SRA.
- 2) Requires an annual report on SRA fire fee expenditures. The sunset date on these reports is January, 2017. In a recent informational report from last year, CDF summarized expenditures for the three fiscal years 2012-15. That report is available on the CDF Web site.

This bill:

- 1) Extends the sunset date on the report to January 31, 2021.
- 2) Adds reporting requirements that require specific information on expenditures from each program, subprograms, and element for which CDF uses money from the fee. It also adds a reporting provision for actual and current year fiscal expenditures.
- 3) Provides that additional reporting requirements pertain to equipment expenditures, personnel positions that are associated with each expenditure, and descriptions and expenditures on each SRA grant awarded.

Comments

The additional reporting requirements reflect frustration on the part of some legislators regarding the information provided them regarding this fee, which is unpopular in some areas of the state. The author acknowledged that he has received most, if not all, of the information he requested in an acceptable format. If there is an open question regarding this bill it is whether the Legislature should codify an information request that has already been satisfied.

The SRA fee generates approximately \$74 million annually. Effective July 1, 2014, the fee is levied at the rate of \$152.33 per habitable structure, which is defined as a building that can be occupied for residential use. Owners of habitable structures who are also within the boundaries of a local fire protection agency will receive a reduction of \$35 per habitable structure.

According to the CDF Web site, this fee funds a variety of important fire prevention services in the SRA. Such activities include fuel reduction activities that lessen risk of wildfire to communities and evacuation routes. Other activities include defensible space inspections, fire prevention engineering, emergency evacuation planning, fire prevention education, fire hazard severity mapping, implementation of the state and local Fire Plans and fire-related law enforcement activities such as arson investigation.

The legality of the fee is being challenged in court, and it is not clear when the trial will occur. The argument is that the fee should have been enacted as a tax with a 2/3 vote.

Since its adoption, the Legislature has considered many bills to repeal the fee, none of which were passed. It also passed bills allowing a landowner to apportion the fee with a prospective buyer, to index the fee for inflation, and to exempt structures destroyed by natural disasters from the fee.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 4/25/16)

Former State Senator George Runner
Howard Jarvis Taxpayers Association
San Bernardino County
46 individuals

OPPOSITION: (Verified 4/25/16)

None received

ARGUMENTS IN SUPPORT: According to the author, he (and the co-authors) were not receiving adequate information about SRA fire fee expenditures despite the annual report. He believes that SRA grant fee expenditures are reported much more transparently than the fire prevention activities that are also funded from SRA fire fees. At the request of the author, CDF provided a much more detailed report on SRA fire prevention activities that he believes is an adequate precedent for future reports should this bill be enacted.

Prepared by: William Craven / N.R. & W. / (916) 651-4116
4/27/16 15:57:22

**** END ****