

BOARD OF FORESTRY AND FIRE PROTECTION

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Increase for SRA Fee- background

The Board is required to consider adjusting the SRA Fire Prevention Fee each and every year by statute and regulation. Prior to 2015, the Board had no choice in the matter and the fee adjustment was automatic and implemented by Board staff via the Section 100 rule revision process. Revision to PRC § 4212 through Assembly Bill 2048 (2014) now provides the Board the authority to select if the fee is to be adjusted in a given year. The amount in which the fee is to be adjusted is pre-determined and not subject to revision, but if the fee is to be adjusted by this pre-determined amount is subject to determination by the Board. The fact that the fee adjustment has become a deliberative matter by the Board results in the Board has to utilize the standard rulemaking process, versus the Section 100 process that was previously available.

I. Public Resources Code

PRC dictates that the Board may increase the fee beginning in 2015:

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

(2) The Legislature finds and declares that a fire prevention fee of not more than one hundred fifty dollars (\$150) is a reasonable amount for the necessary fire prevention activities of the state that benefit the owner of a habitable structure within a state responsibility area.

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

II. Title 14 CCR

Board regulations repeat this in more or less verbatim language:

§ 1665.6. Fee Structure.

- (a) The Board of Forestry and Fire Protection has been directed by the Legislature to impose a Fee that will provide funding necessary for fire prevention activities.
- (b) The Fee shall be one hundred-fifty-two dollars and thirty-three cents (\$152.33) per Habitable Structure.
- (c) Fees shall be deposited in the Fire Prevention Fund.



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- (d) On July 1, 2013 and, annually thereafter, at its June meeting prior to each subsequent July 1, the Board of Forestry and Fire Protection may adjust the Fee rate to reflect the percentage of change in the average annual value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as calculated by the United States Department of Commerce for the 12-month period in the third quarter of the prior calendar year, as reported by the Department of Finance.

