

FIRE-PREVENTION FEE HAS ITS SHARE OF CRITICS

By ***Dana M. Nichols***

August 12, 2011

Record Staff Writer

August 12, 2011 12:00 AM

SAN ANDREAS - Homeowners in fire-prone California foothills who don't like the idea of paying as much as \$150 a year extra for wildfire prevention now can do something about it.

Secretary of State Debra Bowen has approved for circulation a petition to hold a referendum on the fire-prevention fee that Gov. Jerry Brown and state legislators adopted to generate \$200 million a year toward closing the shortfall in the state budget.

Proponents of overturning the fee say it is really a new tax.

Will you have to pay?

Only residential building owners within the "State Responsibility Areas" served by the California Department of Forestry and Fire Protection will be subject to the fire-prevention fee. To see if your property is in a state responsibility area, consult the interactive map at www.bof.fire.ca.gov/sra_viewer.

"There is no rationale to charge rural residents. I think they are being singled out," said Sen. Ted Gaines, R-Roseville.

Meanwhile, Brown's administration plans to seek changes to fix the contentious wildfire fee because it could end up draining money from the state's firefighting budget, a governor's office spokesman said Thursday.

According to Assembly Bill 29, which created the fire fee, the owners of roughly 1.3 million homes in rural and mountainous areas are being singled out because they are in "State Responsibility Areas" in which the California Department of Forestry and Fire Protection is responsible for fighting wildland fires. The law says owners of those rural properties should bear the costs of preventing wildland fires.

Most of western Calaveras County, a slice of eastern San Joaquin County, and the far southwest corner of San Joaquin County are all in such areas.

The Associated Press reported a day earlier that money from the \$150 annual fee must go to local fire-prevention programs rather than the California Department of Forestry and Fire Protection.

The amount raised by the fee will be subtracted from CDF's budgets. That will leave the department with a \$50 million budget hole next year and a gap of as much as \$200 million in future years.

H.D. Palmer, spokesman for the governor's Department of Finance, said the governor will seek to amend the law when the Legislature returns from its summer recess next week.

Republican lawmakers and local fire officials said the law, enacted as part of the state budget, was poorly written and should be changed or repealed. Gaines said the fire-protection designations are just an excuse to call the charge a fee and pass it with a simple-majority vote in the Legislature. Under California law, new taxes must be approved by a two-thirds margin.

Gaines is leading the referendum effort and wrote, from his own funds, the \$200 check to start the process. "I just felt an obligation that this was an illegal tax of thousands of my constituents."

Gaines' 1st Senate District includes Calaveras and Amador counties as well as nine other rural counties, stretching from Mono Lake to the Oregon border, and parts of suburban Sacramento.

"I have got 140,000 dwellings that are going to be impacted ... because of this illegal tax," Gaines said.

John Vigna, a spokesman for Assembly Speaker John Perez, D-Los Angeles, said lawmakers are consulting with the administration and hope to fix the problems when they return to the state Capitol for the final four weeks of their legislative session.

"We knew there that would be some cleanup required," Vigna said. "We felt at the time that it was more important to get the budget done on time and have the new spending plan in place by the beginning of the fiscal year, and so this was one of the issues we knew we were going to have to come back and tweak a little bit."

Gaines isn't the only one looking to overturn the law. The Howard Jarvis Taxpayers Association is monitoring developments and could go to court.

"We are prepared to file suit," said Kris Vosburgh, executive director of the association.

George Gentry, executive office for the California Board of Forestry and Fire Protection, said he's still trying to determine appropriate fee levels.

"In order for it to be a fee, it has to have a reasonable relationship to the services rendered," Gentry said. "It could be any number. I don't think the board will opt to place a blanket \$150."

Gentry said the fee should probably be lower in place such as Calaveras County, which already has an active fire-safe council and where local officials recently adopted a countywide wildfire protection plan.

"I don't agree with the tax," said Duane Papais, who owns a home in the Forest Meadows subdivision east of Murphys. "I think it is a little prohibitive for people living on acreage."

The Associated Press contributed to this report.

Contact reporter Dana M. Nichols at (209) 607-1361 or dnichols@recordnet.com. Visit his blog at recordnet.com/calaverasblog.

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