

SAMPLE PROPOSED VETO MESSAGE (0500)

No. 1 Jan. 1998

SB 621 (STIRLING}

To the Members of the California Senate:

I am returning Senate Bill No. 621 without my signature.

This bill would remove the prohibition to levy benefit assessments for watershed fire suppression services on state responsibility areas, as defined. This bill would authorize boards of supervisors to raise revenue for fire protection services through other means, including fire suppression assessments. This bill would also permit the formation of a Fire Protection District in the Milford area without an election.

The California Department of Forestry and Fire Protection is mandated by law to provide fire protection on forest, range, and watershed land classified as State Responsibility Area (SRA) by the Board of Forestry. Structural fire protection on SRA is not a statutorily mandated state responsibility. Fire protection responsibility as authorized for the natural resources on these wildlands still rests with the state. The original intent of this bill was to allow counties to levy a fee for local government fire protection service. It subsequently has been amended so that owners of unimproved land within SRA can now be assessed for local government fire protection services from which they would receive little or no benefit or would receive duplicate service since their fire service provider is CDF.

This bill creates a true ambiguity dilemma because fire protection districts could levy assessments on lands they have no authority to protect. The bill has the potential to create conflicts on emergency incidents by having two agencies protecting the same land. Land owners of unimproved SRA could be taxed for a local government function yet receive little or no benefit since they have no improvements requiring fire protection service from a fire protection district.

The timeliness for formation of the Milford Fire District is important, however, I cannot justify signing this bill for the reasons discussed.

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