

ASSEMBLY BILL

No. 2544

Introduced by Assembly Member Gordon

February 24, 2012

An act to amend Sections 4031 and 4115 of, and to add Sections 4032, 4033, 4034, and 4035 to, the Public Resources Code, relating to forestry and fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2544, as introduced, Gordon. Forestry and fire protection: land purchases and property use.

Existing law authorizes the Department of Forestry and Fire Protection (department), with the approval of the Department of General Services, to purchase land for lookout sites and for other administrative purposes.

This bill would authorize the department, with the approval of the Department of General Services, to purchase land and enter into agreements, easements, licenses, or permits to acquire real property rights for the purposes of establishing fire protection, fire prevention, fire suppression, demonstration state forests, pest control, forest and range protection, and enhancement activities and related uses.

This bill would authorize the department to lease, for any use, all or any portion of any parcel of real property acquired for forestry and fire protection purposes if the Director of Forestry and Fire Protection finds that the use would be compatible with the use of the real property for those purposes. The bill would authorize the department to provide temporary means of ingress to, and egress from, all property under the jurisdiction of the department in order to provide ready access for the purposes of harvesting timber, conducting studies, and passing and placing equipment upon the department's lands, as prescribed.

This bill would further authorize the department, with the consent of the Department of General Services, to lease any real or personal property that the department deems necessary for temporary use for fire station facilities, modular facilities, storage, warehouse, or office purposes when existing departmental facilities are inadequate or when the extension, improvement, or development of fire stations and forestry lands is needed. The bill would authorize the department, upon application by the proper authorities, to grant permits and easements for specified purposes and upon those terms as the department may prescribe.

Existing law authorizes the department, in providing communications and necessary powerlines in connection with the prevention and extinguishment of forest fires, with the approval of the Department of General Services, to enter into contracts with the owners of similar facilities for the use of their facilities.

This bill would additionally authorize the department, in providing telecommunications in connection with the prevention and extinguishment of forest fires, with the approval of the Department of General Services, to enter into contracts with the owners of similar facilities for use of their facilities.

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 4031 of the Public Resources Code is
- 2 amended to read:
- 3 4031. The department may, with the approval of the
- 4 Department of General Services, purchase land ~~for lookout sites~~
- 5 ~~and for other administrative purposes~~ *and enter into agreements,*
- 6 *easements, licenses, or permits to acquire real property rights for*
- 7 *the purposes of establishing fire protection, fire prevention, fire*
- 8 *suppression, demonstration state forests, pest control, forest and*
- 9 *range protection, and enhancement activities and related uses.*
- 10 SEC. 2. Section 4032 is added to the Public Resources Code,
- 11 to read:
- 12 4032. (a) The department may lease, for any use, all or any
- 13 portion of any parcel of real property acquired for forestry and fire
- 14 protection purposes if the director finds that the use would be
- 15 compatible with the use of the real property for those purposes.

1 (b) Rent shall be based on the fair market value of the property
2 when used for the purpose for which it is leased.

3 (c) The lease term shall not exceed 10 years. All leases shall be
4 subject to the approval of the Department of General Services.

5 (d) No lease shall be entered into that extends beyond the
6 10-year period unless the Legislature has reviewed and approved
7 the proposed lease as part of the annual budget process, or the
8 Public Works Board has determined that the proposed lease could
9 not have been presented to the Legislature for review and approval
10 in the course of its consideration of the Budget Bill and that it
11 would be adverse to the interests of the public to defer that review
12 and approval to a time when the Legislature next considers a
13 Budget Bill. Upon making that determination, the board may
14 review and approve the proposed lease after giving at least 20
15 days' written notice to the Chairperson of the Joint Legislative
16 Budget Committee and to the chairperson of the fiscal and
17 appropriate policy committees of its intended action. All actions
18 taken by the board pursuant to this subdivision shall be reported
19 to the Legislature in the next Governor's Budget.

20 SEC. 3. Section 4033 is added to the Public Resources Code,
21 to read:

22 4033. (a) The department may provide temporary means of
23 ingress to, and egress from, all property under the jurisdiction of
24 the department in order to provide ready access for the purposes
25 of harvesting timber, conducting studies, and passing and placing
26 equipment upon the department's lands.

27 (b) The department may grant a permit for right-of-way across
28 the department's lands over that route and subject to those
29 conditions and construction and maintenance specifications as the
30 department may determine that will cause minimum alteration to
31 the physical features of the department's lands and minimum
32 interference with the use of the forests by the public.

33 (c) The permittee shall, at his or her own expense, construct and
34 maintain the means of ingress and egress, in accordance with the
35 terms and conditions set forth in the permit, noncompliance with
36 which in any part shall be due cause for revocation of that permit.

37 (d) The department may require a permittee or permittees to
38 allow the use of those temporary means of ingress and egress by
39 any other applicant whose lands are similarly situated.

1 (e) The department may, at its discretion, charge a reasonable
2 fee for access to its lands.

3 (f) (1) A permit granted for passage pursuant to this section is
4 temporary and does not imply consent to a permanent easement.

5 (2) The permits are revocable at any time.

6 SEC. 4. Section 4034 is added to the Public Resources Code,
7 to read:

8 4034. The department, with the consent of the Department of
9 General Services, may lease any real or personal property that the
10 department deems necessary for temporary use of fire station
11 facilities, modular facilities, storage, warehouse, or office purposes
12 when existing departmental facilities are inadequate or when the
13 extension, improvement, or development of fire stations and
14 forestry lands is needed. This section does not apply when the
15 Department of General Services leases land for the use of the
16 department under Section 14669 of the Government Code.

17 SEC. 5. Section 4035 is added to the Public Resources Code,
18 to read:

19 4035. The department may, upon application by the proper
20 authorities, grant permits and easements for the following purposes
21 and upon those terms as the department may prescribe:

- 22 (a) To a public agency for public roads.
- 23 (b) To a public agency for utility lines.
- 24 (c) For electric, gas, water, sewer, telephone, telegraph, and
25 utility lines, and pipelines and structures incidental thereto, to
26 perform a public service or oil or gas pipelines.
- 27 (d) To any oil and gas lessee of the state for pipeline
28 right-of-way purposes.

29 SEC. 6. Section 4115 of the Public Resources Code is amended
30 to read:

31 4115. In providing communications, *telecommunications*, and
32 necessary powerlines in connection with the prevention and
33 extinguishment of forest fires, the department, with the approval
34 of the Department of General Services, may enter into contracts
35 with the owners of similar facilities for use of their facilities, such
36 as *communications facilities, telecommunications facilities, and*
37 *pole lines*. Provision may be made for indemnification and holding
38 harmless of the owners of ~~such~~ *those* facilities which are so used
39 by reason of such use. Insurance may be purchased by the
40 Department of General Services, upon request of the department,

- 1 to protect the state against loss or expense arising out of ~~any such~~
- 2 a contract *entered into pursuant to this section.*

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