
SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

Senator Bill Dodd

Chair

2021 - 2022 Regular

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| Bill No: | SB 817 | Hearing Date: | 3/23/2021 |
| Author: | Committee on Governmental Organization | | |
| Version: | 3/16/2021 Amended | | |
| Urgency: | No | Fiscal: | Yes |
| Consultant: | Brian Duke | | |

SUBJECT: Fire protection: Office of the State Fire Marshal: State Board of Fire Services: membership

DIGEST: This bill specifies that ex officio members of the State Board of Fire Services (Board) may assign a designee to serve as their proxy on the Board, and makes other conforming and non-substantive changes.

ANALYSIS:

Existing law:

- 1) Establishes the Board, within the Office of the State Fire Marshall (SFM), consisting of 18 members, as specified.
- 2) Requires the Board to, among other things, from time to time make full and complete studies, recommendations, and reports to the Governor and Legislature, as specified; sit as a board of appeals on the application of the SFM's regulations excepting application of building standards, as specified; and, advise the SFM on such things as the adoption of building standards.
- 3) Provides that the Board shall be composed of the SFM, the Chief Deputy Director of the Department of Forestry and Fire Protection (Cal FIRE), the Director of the Office of Emergency Services (OES), and the Chairperson of the California Fire Fighter Joint Apprenticeship Program; and, prohibits those members from designating a proxy.
- 4) Provides that the Board shall be composed of the following members appointed by the Governor: one representative of the insurance industry, one volunteer firefighter, three fire chiefs, five fire service labor representatives, one representative from city government, one representative from a fire district, and

one representative from county government; and, requires that each member appointed is a resident of California.

This bill:

- 1) Authorizes the following members of the Board to assign a designee to serve on the Board as their proxy: the SFM, the Chief Deputy Director of Cal FIRE, the Director of OES, and the Chairperson of the California Fire Fighter Joint Apprenticeship Program.
- 2) Makes other conforming and non-substantive changes.

Background

Purpose of the bill. According to the author's office, "this bill simply grants more flexibility to the four ex officio members of the State Board of Fire Services by allowing them to appoint a designee to serve as their proxy on the Board. They serve on the board due to their positions in state government, however, those positions are very demanding and time consuming, and don't always offer the ability to participate fully as members on the Board. This bill mirrors similar advisory boards and commissions in state government by granting these ex officio members the ability to appoint designees."

State Board of Fire Services. The Board was established by AB 3080 (Hoge, Chapter 332, Statutes of 1996), succeeding the State Fire Advisory Board. The Board consists of a total of 17 members. Four of the members are ex officio voting members that include the SFM, the Chief Deputy Director of Cal FIRE (who is not the SFM), the Director of OES, and the Chairperson of the California Fire Fighter Joint Apprenticeship Program.

The Governor is required to appoint the remaining 13 members. Appointed members include one representative of the insurance industry, one volunteer firefighter selected from a list of names submitted by the California State Firefighters Association; one fire chief from a list of names submitted by the California Fire Chiefs' Association; one fire chief selected from a list of names submitted by the Fire Districts Association of California; one fire chief selected from a list of names submitted by the California Metropolitan Fire Labor Federation; one fire service labor representative selected from a list of names submitted by the California Labor Federation; one fire service labor representative selected from a list of names submitted by the California Professional Firefighters; one fire service labor representative selected from a list of names submitted by the International Association of Fire Fighters; one fire service labor representative

selected from a list of names submitted by the Cal FIRE Firefighters; one fire service labor representative selected from a list of names submitted by the California State Firefighters Association; one city government representative selected from elected or appointed city chief administrative officers or elected city mayors or council members; one fire district representative selected from elected or appointed directors of fire districts; and one county government representative selected from elected or appointed county chief administrative officers or elected county supervisors.

The Governor's appointees serve four-year terms. Existing law requires that appointed members of the Board are residents of California. All members serve without salary, but are paid actual and necessary expenses related to activities of the board, and all members of the Board are prohibited from assigning a designee to serve as their proxy. The Board is required to meet at the call of the SFM, or at the request of any two members, but no less than annually.

According to the Board's internet website, the Board "provides a forum for addressing fire protection and prevention issues of statewide concern; develops technical and performance standards for training of fire service personnel; accredits curriculum; establishes policy for the certification system for the California Fire Service; advises the State Fire Marshal on dissemination of regulations; and sits as an appeals board on the application of the California State Fire Marshal regulations."

Consistent with similar advisory boards and commissions in state government, this bill would authorize the ex officio members to appoint a designee to serve as their proxy on the Board. An ex officio member is a member of a body who is a member by virtue of holding another office. The Latin term ex officio means literally "from the office." The supporters of the bill argue that allowing these particular members the ability to appoint a designee will help to ensure these offices have a voice and can participate in the important deliberations of the Board while also allowing them to have the flexibility to respond to other emergencies and incidents.

Additionally, this bill corrects a drafting error in statute that incorrectly identified the Board as an 18-member board and makes other non-substantive and conforming changes.

Prior/Related Legislation

SB 109 (Dodd, 2021) would establish the Office of Wildfire Technology Research and Development, within OES to study, test, and advise state and local agencies

regarding the procurement of emerging technologies and tools in order to more effectively prevent and suppress wildfires, as specified. (Pending in the Senate Appropriations Committee)

SB 450 (Hertzberg, 2021) would require the Board to convene a working group, with specified representatives, to discuss and make recommendations on the most efficient mechanisms and structure to administer the Special District Fire Response Fund, as specified. (Pending in the Senate Governmental Organization Committee)

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

SUPPORT:

California Professional Firefighters (Source)

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: The California Professional Firefighters write in support of the bill that there are “four positions on the State Board of Fire Services that are Ex-Officio positions, they are the State Fire Marshal, the Chief Deputy Director of the Department of Forestry and Fire Protection, the Director of Emergency Services and the Chairperson of the California Fire Fighter Joint Apprenticeship Program. Current, ongoing emergencies and crises demand swift response from these officials. Providing the ability for these officials to have a designee represent them on the SBFS will help ensure these offices have a voice and can participate in the important deliberations of the SBFS while also allowing them to have the flexibility to respond to other emergencies and incidents.”