

AMENDED IN SENATE JULY 2, 2019
AMENDED IN ASSEMBLY MARCH 21, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1299

Introduced by Assembly Member Flora

February 22, 2019

An act to add Section 8619.7 to the Government Code, relating to volunteer firefighters.

LEGISLATIVE COUNSEL'S DIGEST

AB 1299, as amended, Flora. Mutual aid: reimbursements: volunteer firefighters.

(1) Existing law, the California Emergency Services Act, requires the Governor to coordinate the State Emergency Plan and any programs necessary for the mitigation of the effects of an emergency in this state, as specified. The act authorizes the Governor, with advice of the Office of Emergency Services, to divide the state into mutual aid regions for the more effective application, administration, and coordination of mutual aid and other emergency-related activities. The act requires the Office of Emergency Services, in consultation with relevant local and state agencies, to develop and adopt a state fire service and rescue emergency mutual aid plan as an annex to the State Emergency Plan.

This bill would require a nonprofit or public fire department that has volunteer firefighters and receives reimbursement from the federal, state, or local government through a mutual aid request, if the applicable fire agreement is intended to reimburse for personnel costs for work performed associated with firefighting in which the volunteer firefighters of the fire department have participated, to pass through to those

volunteers specific reimbursement. The bill would require a fire department that utilizes the services of volunteer firefighters to maintain documentation of reimbursements and allow access to those records as prescribed. The bill would require ~~a fire department~~ *fire departments, based on specified criteria,* to cease using the services of any volunteer firefighter to provide mutual aid response pursuant to the fire agreement who has received pass-through reimbursements that exceed during the fiscal year 20% ~~of the statewide average amount that otherwise would be required to hire a permanent employee to provide the same services~~ *either the salary of a full-time firefighter employed by that department, or in the case of an all-volunteer department, the cost of a full-time firefighter's salary as determined by the Employment Development Department,* and would prohibit such a volunteer from engaging in mutual aid response for the fire department until the following fiscal year. *The bill would waive the 20% reimbursement threshold in the case of a proclamation of an emergency by the Governor. The bill would require fire departments that employ full-time firefighters to give priority to paid firefighters over volunteer firefighters in mutual aid assignments.* The bill would authorize a volunteer to pursue reimbursement in a civil action if the fire department fails to reimburse the volunteer firefighter in accordance with the bill. By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8619.7 is added to the Government Code,
- 2 to read:
- 3 8619.7. (a) (1) A nonprofit or public fire department that has
- 4 volunteer firefighters and receives reimbursement from the federal,
- 5 state, or local government through a mutual aid request, if the
- 6 applicable fire agreement is intended to reimburse for personnel

1 costs for work performed associated with firefighting in which the
2 volunteer firefighters of the fire department have participated, shall
3 pass through to those volunteers the reimbursement amount defined
4 according to the fire agreement for the specific mutual aid request,
5 excluding normal payroll-related costs for the fire department
6 accompanying the firefighting response.

7 *(2) Departments that utilize full-time firefighters shall give*
8 *priority preference to full-time or paid firefighters over volunteer*
9 *firefighters for mutual aid assignments.*

10 (b) Reimbursement for a volunteer firefighter pursuant to
11 subdivision (a) may be issued in monthly or annual nominal fees,
12 benefits, expenses, or any combination thereof. If the fire
13 department does not issue reimbursement in monthly or annual
14 nominal fees, benefits, expenses, or any combination thereof, the
15 fire department shall issue reimbursement to the volunteer
16 firefighter not later than 45 days following the receipt of
17 reimbursement funds by the fire department under the fire
18 agreement.

19 (c) A fire department that utilizes the services of volunteer
20 firefighters shall maintain documentation of reimbursements made
21 to the volunteer firefighters for a period of not less than three years.
22 A fire department subject to this subdivision shall afford a current
23 or former volunteer firefighter the right to inspect or copy records
24 pertaining to their service, upon reasonable request to that
25 department.

26 (d) (1) A fire department *that employs full-time firefighters*
27 *shall cease using the services of any volunteer firefighter to provide*
28 *mutual aid response pursuant to the fire agreement who has*
29 *received pass-through reimbursements, as described in subdivision*
30 *(a), that exceed during the fiscal year 20 percent of the statewide*
31 *average amount that otherwise would be required to hire a*
32 *permanent employee to provide the same services. salary of a*
33 *similar rank of one of the full-time firefighter employees from the*
34 *same department. A volunteer firefighter subject to this subdivision*
35 *shall not engage in mutual aid response for the fire department*
36 *until the following fiscal year.*

37 (2) *A fire department that employs volunteer firefighters*
38 *exclusively, shall cease using the services of any volunteer*
39 *firefighter to provide mutual aid response pursuant to the fire*
40 *agreement who has received pass-through reimbursements, as*

1 *described in subdivision (a), that exceed during the fiscal year 20*
2 *percent of a full-time firefighter's salary as that salary is*
3 *determined by the Employment Development Department.*

4 *(3) The requirements of this subdivision may be waived*
5 *temporarily by the Governor through an executive order*
6 *proclaiming an emergency.*

7 (e) If a fire department fails to reimburse a volunteer firefighter
8 as described in this section, the volunteer firefighter may pursue
9 reimbursement in a civil action.

10 SEC. 2. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.