



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502
(510) 567-6700

December 1, 2009

Subject: **AB 1020, EMMERSON. PUBLIC SWIMMING POOLS: ANTI-ENTRAPMENT DEVICES AND SYSTEMS.**

Dear Pool and Spa Owners and Operators in Alameda County

Governor Arnold Schwarzenegger signed AB 1020 into law amending Section 18942 and adding Sections 116064.1 and 116064.2 to Health and Safety Code. The law is in effect on January 1, 2010.

One provision of the law establishes a surcharge on public swimming pools that is collected by the applicable local public health or environmental health jurisdiction and transmitted to the State Controller for deposit into the Recreational Health Fund. Local jurisdictions should add the \$6 surcharge to their normal permit fees for public swimming pools that are due on and after January 1, 2010. The text of the pertinent section concerning the surcharge follows:

116064.2. (I) (1) Until January 1, 2014, the department may assess an annual fee on the owners of each public swimming pool, to be collected by the applicable local health department, in an amount not to exceed the amount necessary to defray the department's costs of carrying out its duties under Section 116064.1 and this section but in no case shall this fee exceed six dollars (\$6).

- (2) The local health department may retain a portion of the fee collected pursuant to paragraph (1) in an amount necessary to cover the administrative costs of collecting the fee, but in no case to exceed one dollar (\$1).
- (3) The local health department shall bill the owner of each public swimming pool in its jurisdiction for the amount of the state fee. The local health department shall transmit the collected state fee to the Controller for deposit into the Recreational Health Fund, which is hereby created in the State Treasury. The local health department shall not be required to take action to collect an unpaid state fee, but shall submit to the department, every six months, a list containing the name and address of the owner of each public swimming pool who has failed to pay the state fee for more than 90 days after the date that the bill was provided to the owner of the public swimming pool.
- (4) Owners that are exempt from local swimming pool permit fees (such as public schools) shall also be exempt from the fees imposed pursuant to this subdivision.
- (5) Except as provided in paragraph (2), all moneys collected by the department pursuant to this section shall be deposited into the Recreational Health Fund. Notwithstanding Section 16305.7 of the Government Code, interest and dividends on moneys in the Recreational Health Fund shall also be deposited in the fund. Moneys in the fund shall, upon appropriation by the Legislature, be available to the department for carrying out its duties under Section 116064.1 and this section and shall not be redirected for any other purpose.

If you have questions please call us at (510) 567-6700.

Sincerely,

Ronald Browder, REHS, Chief
Environmental Protection Division