

Date of Hearing: April 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1699 (Rogers) – As Introduced February 3, 2026

Policy Committee:	Natural Resources	Vote:	14 - 0
	Emergency Management		5 - 0

Urgency: No State Mandated Local Program: No Reimbursable: >

SUMMARY:

This bill establishes the Good Fire Act to indefinitely extend the Prescribed Fire Liability Pilot Program (Program) and facilitate greater beneficial burning to meet the state’s forest treatment goals.

Specifically, this bill, among other things:

- 1) Requires the State Fire Marshal (SFM), as part of its continuing education of burn bosses, to require recertification no sooner than every three years, and requires the Department of Forestry and Fire Protection (CAL FIRE) to consider methods to increase the pool of available instructors for the certification program, including the use of nondepartmental instructors.
- 2) Requires CAL FIRE, in consultation with the Statewide Training and Education Advisory Committee, to develop a mechanism to allow an individual certified by CAL FIRE as a prescribed fire incident commander or equivalent, an individual qualified for the National Wildfire Coordinating Group position title of “Prescribed Fire Burn Boss Type 1” or “Prescribed Fire Burn Boss Type 2” or equivalent, or an individual certified as a prescribed fire manager or similar position by another state pursuant to a certification program substantially similar to CAL FIRE’s certification program, to be designated as a state-certified burn boss. Once certified, an individual may use the recertification process to maintain currency.
- 3) Authorizes CAL FIRE to waive the existing inspection requirement or modify the standard precautions for an application for prescribed burning submitted by specified individuals.
- 4) Prohibits a state agency, department, board, or commission that has awarded grant funds or other sources of funds to an awardee, who is paying individuals engaged in the preparation for or implementation of beneficial fire projects from those funds, from, in the disbursement of the award, restricting payment covering the cost of providing overtime or double rates of pay unless that restriction is required by the applicable statute establishing the funding, as specified.
- 5) Clarifies that moneys in the Prescribed Fire Claims Fund are to support coverage for losses from prescribed fires and cultural burning led by individuals and entities other than CAL FIRE or the federal government.

- 6) Provides that CAL FIRE approval is not required for a plan reviewed and approved by a burn boss as a condition for payment of claims from the Claims Fund.
- 7) Requires the guidelines for the Program and administration of the Claims Fund to include methods for prioritizing broadcast burns and burns by nonpublic individuals or entities or California Native American tribes in the event the Claims Fund is oversubscribed.
- 8) Deletes the January 1, 2028, sunset date on the Program.
- 9) Exempts from the California Environmental Quality Act (CEQA) actions taken by CAL FIRE to assist in the implementation of prescribed fire or cultural burning projects that do not otherwise require compliance with CEQA.

FISCAL EFFECT:

In 2025, Governor Newsom issued Executive Order (EO) N-35-25 to expand, streamline, and expedite the state's use of beneficial fire. This bill is largely an effort to codify the Governor's EO, and CAL FIRE notes that the bill's provisions are aligned with several activities the department has initiated in response to the EO.

- 1) By removing the sunset on the Prescribed Fire Claims Fund and significantly expanding the universe of eligible entities, this bill creates ongoing General Fund cost pressures of an unknown amount, possibly in the low to tens of millions of dollars annually. The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

The magnitude of this increased cost pressure is unknown given that the fund only covers liability for damages in the event of an escaped prescribed burn (not operations or labor costs) and no claims have been awarded from the fund to date – demonstrating that prescribed and cultural burns, when properly planned and led by certified professionals, are low-risk. CAL FIRE also notes that (a) the Claims Fund has made supplemental private insurance available from at least two private insurance carriers who did not offer such coverage prior to the fund being available and (b) increasing the pace and scale of beneficial fire is a proven method to reduce future emergency suppression costs and disaster claims.

- 2) By prohibiting a state entity that awards grant funds for beneficial fire projects from restricting those funds for use as payment for overtime or double rates of pay, this bill potentially creates cost pressures on various grant funds. CAL FIRE currently allows for the payment of overtime when necessary if a grantee receives approval prior to invoicing (to avoid inadvertently gifting public funds by overpaying grantees for overtime). It is not clear the extent to which this bill is expanding this practice.
- 3) The bill's requirements to move the burn boss recertification cycle to every three years and allow CAL FIRE to waive site inspections for certified professionals are likely to reduce CAL FIRE's staff workload and administrative costs. CAL FIRE is currently assisting on community-led burns without triggering new environmental reviews (a practice enabled by the EO to fast-track projects). This bill codifies this CEQA exemption, likely resulting in reduced costs for CAL FIRE.

COMMENTS:1) **Purpose.** According to the author:

For generations, California Tribes have stewarded the landscape with fire. This community wide effort created a safer and healthier ecosystem for all. Tragically, one of the first laws ever passed by this Legislature outlawed this practice. We restricted cultural burning practices and ignored that wisdom. We eventually set up a fire response system that extinguished all flames, even when they were desperately needed to clear overly dense vegetation and support fire dependent plants. AB 1699 is about righting that historic wrong. The use of beneficial fire, a prescribed fire, or a controlled burn are all examples of “Good Fire”.

2) **Background. Beneficial Fire.** Governor Newsom issued multiple EOs in 2015 to expand, streamline, and expedite the state’s use of beneficial fire, also known as prescribed burns and cultural fire. As detailed by the administration, expanding the use of beneficial fire reduces risks of large, catastrophic wildfires and restores California’s fire-adapted and fire-dependent ecosystems. The Governor’s Wildfire and Forest Resilience Task Force, which is comprised of state and federal agencies, among others, issued California’s Strategic Plan for Expanding the Use of Beneficial Fire in 2022 that set an ambitious state and federal goal to treat up to 400,000 acres with beneficial fire annually by 2025. California’s Nature-Based Solutions Climate Targets issued in April 2024 set a target of applying beneficial fire to 1.5 million acres per year by 2045.

Burn Bosses. SB 1260 (Jackson), Chapter 624, Statutes of 2018, required CAL FIRE to develop a professional “burn boss” curriculum and certification program to create a consistent standard for the education and skills needed for people to conduct prescribed fires. As of September 2025, California had certified 65 burn bosses to approve burn plans and lead prescribed burning operations to reduce wildfire risks. California must significantly increase its pool of certified burn bosses to manage a massive backlog of 20 million acres that can benefit from fire.

A coalition of organizations in support of this bill writes that the bill allows federal and CAL FIRE practitioners to “transfer their credentials rather than starting over, and reduces recertification from annual to every three years. It also expands the instructor pool to train more burn bosses. These changes will grow California's certified prescribed fire workforce.”

Liability Coverage. SB 332 (Dodd), Chapter 600, Statutes of 2021, updated the state’s liability standards so that no person would be liable for any fire suppression or other costs otherwise recoverable for a prescribed burn if specified conditions are met. To support the use of prescribed burns to meet the state’s treated acreage goals, the Budget Act of 2021 included \$20 million for CAL FIRE to establish the Program and create a Claims Fund to support coverage for losses from permitted prescribed fires by non-public entities.

SB 926 (Dodd), Chapter 606, Statutes of 2022, set parameters to operationalize the \$20 million budget appropriation by establishing the Claims Fund to support coverage for losses from permitted prescribed fires by individuals and specified entities. The Claims Fund will provide up to \$2 million in coverage for prescribed fire projects led by a qualified burn boss

or cultural practitioner. The Claims Fund has proven successful in accelerating beneficial fire by providing coverage where commercial insurance is unavailable or prohibitively expensive. Since its rollout in June 2023, the Claims Fund has enrolled hundreds of projects totaling tens of thousands of acres across the state. Strong statewide demand exists and the initial funding remains intact.

Current statute authorizes the Claims Fund until January 1, 2028. This bill proposes to delete that sunset date. Proponents of the bill, including Pacific Forest Trust, state that making the Claims Fund permanent and clarifying that groups like resource conservation districts, volunteer fire departments, tribal governments, and others are eligible for coverage is essential for long-term planning.

Overtime. According to the author, many state grant funds prohibit grantees from paying overtime and this can be problematic for prescribed fire, which requires around-the-clock work during and after the burn for safety purposes. This bill prohibits a state entity that has awarded grant funds for beneficial fire projects from restricting those funds for use as payment for overtime or double rates of pay.

Analysis Prepared by: Nikita Koraddi / APPR. / (916) 319-2081