

## ASSEMBLY THIRD READING

AB 1699 (Rogers)

As Amended May 18, 2026

2/3 vote

**SUMMARY**

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.

**Major Provisions**

- 1) Requires, as part of the continuing education of burn bosses, the State Fire Marshal (SFM) to require recertification no sooner than every three years. 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, in addition to the curriculum and certification program developed, CAL FIRE to, in consultation with the Statewide Training and Education Advisory Committee, develop a mechanism to allow individuals certified by CAL FIRE as a prescribed fire incident commander or equivalent, individuals 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 individuals certified as prescribed fire managers or similar positions by other states pursuant to a certification program that is substantially similar to the 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 inspection requirement or modify the standard precautions for an application submitted by any of the 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, restrict payment covering the cost of providing overtime or double rates of pay unless that restriction is required by the applicable statute establishing the funding. The restriction shall apply to, but not be limited to, the CAL FIRE's Forest Health Program.
- 5) Clarifies moneys in the Claims Fund are to support coverage for losses from prescribed fires and cultural burning by 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 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 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.
- 10) *State that specified amendments made by AB 1699 do not alter, expand, or limit the applicable standard of care related to prescribed fires and cultural burning under California law.*

## COMMENTS

Last year, Governor Newsom issued Executive Order (EO) N-35-25 expressing concern that strict compliance with various statutes and regulations would prevent, hinder, or delay the use of beneficial fire to limit dangerous wildfire conditions that threaten life and property, and ordered the following, among other things:

- 1) CAL FIRE to assist local agencies and beneficial fire practitioners that limit fire conditions and suspended those efforts from CEQA.
- 2) The suspension of Public Resources Code 4493, which requires CAL FIRE to conduct a site visit or inception before issuing a state burn permit for projects undertaken by a burn boss or a cultural fire practitioner.
- 3) Suspend the limitation on public and governmental agencies enrolling in the Pilot Program to the extent it prohibits resource conservation districts and volunteer fire departments.
- 4) CAL FIRE to review and update its prescribed fire guidebook to more effectively support prescribed fires that are primarily planned or conducted by non-CAL FIRE entities.

This bill is largely an effort to codify the Governor's EO. Consistent with the Governor's EO, this bill:

- 1) Exempts actions taken by CAL FIRE to assist in prescribed fire or cultural burning projects from CEQA.
- 2) Amends PRC 4493 to allow CAL FIRE to waive the inspection requirement or modify the standard precautions for a permit application submitted by specified individuals, including burn bosses, to conduct prescribed burning.
- 3) Modifies the entities eligible to receive money from the Claims Fund to include "individuals and entities other than CAL FIRE or the federal government," which includes RCDs and volunteer fire districts (and others).
- 4) Expands the pool of eligible individuals to be designated as a state-certified burn boss and authorizes those individuals to be certified and recertified to maintain currency.

### 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."

### **Arguments in Support**

More than 100 organizations write that expanding prescribed fire protects Californians from catastrophic wildfire while restoring our landscapes. The Good Fire Act provides practical solutions to credential bottlenecks, liability concerns, and operational restrictions that currently limit this essential work.

### **Arguments in Opposition**

None on file

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, 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 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.

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.

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.

This bill codifies this CEQA exemption, likely resulting in reduced costs for CAL FIRE.

## **VOTES**

### **ASM NATURAL RESOURCES: 14-0-0**

**YES:** Bryan, Ellis, Alanis, Connolly, Garcia, Haney, Hoover, Kalra, Macedo, Muratsuchi, Pellerin, Schultz, Wicks, Zbur

### **ASM EMERGENCY MANAGEMENT: 5-0-2**

**YES:** Ransom, Bains, Bennett, Calderon, DeMaio

**ABS, ABST OR NV:** Hadwick, Arambula

### **ASM APPROPRIATIONS: 15-0-0**

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

**UPDATED**

VERSION: May 18, 2026

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FN: 0003078