

Department of Forestry & Fire Protection

BUDGET NO. 3540

REPORT NO. 1

PUBLIC RESOURCES CODE

DIVISION 4. FORESTS, FORESTRY AND RANGE AND FORAGE LANDS [4001. - 4958.]

(Division 4 repealed and added by Stats. 1965, Ch. 1144.)

PART 2. PROTECTION OF FOREST, RANGE AND FORAGE LANDS [4101. - 4789.7.]

(Part 2 added by Stats. 1965, Ch. 1144.)

CHAPTER 1. Prevention and Control of Forest Fires [4101. - 4204.]

(Chapter 1 added by Stats. 1965, Ch. 1144.)

ARTICLE 3. Responsibility for Fire Protection [4125. - 4137.]

(Article 3 added by Stats. 1965, Ch. 1144.)

4137. (b)

(b) It is the intent of the Legislature that the year-round staffing and the extension of the workweek that has been provided to the department pursuant to memorandums of understanding with the state will result in significant increases in the department's current level of fire prevention activities. It is also the intent of the Legislature that the budgetary augmentations for year-round staffing not reduce the reimbursements that the department receives from contracts with local governments for the department to provide local fire protection and emergency services pursuant to Section 4144, commonly referred to as "Amador agreements." It is also the intent of the Legislature that the department provide an annual Fire Prevention Activities Report to keep the Legislature informed of the efforts undertaken by the department to help mitigate both of the following:

- (1) Overall fire risks and associated threats to life and safety.
- (2) State fire protection costs where feasible.

(Amended by Stats. 2010, Ch. 718, Sec. 9. Effective October 19, 2010.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1615	Committee on Budget	Budget Act of 2010.	Amended Senate 10/06/2010	11/30/2010 - Died on Senate third reading file.	Senate-Died	Yes	Two Thirds
AB-1803	Committee on Budget	Public resources.	Chaptered 07/18/2006	07/18/2006 - Chaptered by Secretary of State - Chapter 77, Statutes of 2006. 07/18/2006 - Approved by the Governor.	-	Yes	Two Thirds
SB-855	Committee on Budget and	Resources.	Chaptered 10/19/2010	10/19/2010 - Chaptered by	Secretary of State-	Yes	Two Thirds

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
	Fiscal Review			Secretary of State. Chapter 718, Statutes of 2010.	Chaptered		

COMMENTS/ RECOMMENDATIONS:

According to Cal-Fire, the information in this report is duplicative of that required in an annual State Responsibility Area Fire Protection fund report.

REPORT NO. 2

PUBLIC RESOURCES CODE

DIVISION 4. FORESTS, FORESTRY AND RANGE AND FORAGE LANDS [4001. - 4958.]

(Division 4 repealed and added by Stats. 1965, Ch. 1144.)

PART 2. PROTECTION OF FOREST, RANGE AND FORAGE LANDS [4101. - 4789.7.]

(Part 2 added by Stats. 1965, Ch. 1144.)

CHAPTER 1. Prevention and Control of Forest Fires [4101. - 4204.]

(Chapter 1 added by Stats. 1965, Ch. 1144.)

ARTICLE 4. Cooperative Agreements [4141. - 4145.]

(Article 4 added by Stats. 1965, Ch. 1144.)

4142.

(a) The department, with the approval of the Department of General Services, may enter into a cooperative agreement upon the terms and under the conditions as it deems wise, for the purpose of preventing and suppressing forest fires or other fires in any lands within a county, city, or district that makes an appropriation for that purpose.

(b) Within 30 days of the final approval of a new or renewed cooperative agreement, as described in this section, valued at five million dollars (\$5,000,000) or more, the department shall submit to the relevant fiscal and policy committees of each house of the Legislature, in accordance with Section 9795 of the Government Code, a copy of the final agreement and a brief summary of the agreement for purposes of highlighting information relevant to the Legislature's fiscal oversight of the agreement. The summary shall include, but is not limited to, all of the following:

- (1) The value of the agreement.
- (2) The number of positions associated with the agreement.
- (3) Whether the agreement is new or a renewal.
- (4) Whether the agreement expands upon an existing agreement.
- (5) A brief discussion of the manner in which the agreement scored on the department's evaluation criteria, and the degree to which the agreement aligns with the department's base mission, as described in Sections 713 and 714.
- (6) A brief discussion of any subjective factors that influenced the director's decision.

(c) When the state assumes personnel from a county, city, or district, an actuarially determined benefit factor shall be included as a cost in the cooperative agreement, including renewals of the agreement, for a county, city, or district that elects to allow the completed years an employee worked at that county, city, or district, or a lesser number of completed years specified by the local agency, to be credited towards the vesting period for state postretirement health benefits. The department shall certify the completed years of county, city, or district service to be credited to an employee to the Board of Administration Public Employees' Retirement System at the time of separation for retirement. The actuarially determined benefit factor shall be accepted as sufficient by the Department of Forestry and Fire Protection, upon review by the Department of Finance, to fully compensate the state for the postretirement health benefit costs of those employees. The postretirement health benefit costs charged under this subdivision may be paid in periodic installments at the discretion of the department. If the costs are paid in installments, the payment of the postretirement health benefit costs for years credited for nonstate service shall be a continuing obligation of a county, city, or district that made that election, regardless of whether

or not the cooperative agreement continues or is renewed, and regardless of whether or not the employees continue in state service.

(Amended by Stats. 2010, Ch. 718, Sec. 10. Effective October 19, 2010.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1615	Committee on Budget	Budget Act of 2010.	Amended Senate 10/06/2010	11/30/2010 - Died on Senate third reading file.	Senate-Died	Yes	Two Thirds
AB-2094		Public employees.	Chaptered 10/14/1991		-		
SB-855	Committee on Budget and Fiscal Review	Resources.	Chaptered 10/19/2010	10/19/2010 - Chaptered by Secretary of State. Chapter 718, Statutes of 2010.	Secretary of State-Chaptered	Yes	Two Thirds

COMMENTS/ RECOMMENDATIONS:

Stakeholders have indicated a desire to retain this requirement because the information is helpful in determining if the cooperative agreement is appropriate to Cal-Fire's mission or if it expands into local work jurisdictions.

REPORT NO. 3

PUBLIC RESOURCES CODE

DIVISION 4. FORESTS, FORESTRY AND RANGE AND FORAGE LANDS [4001. - 4958.]

(Division 4 repealed and added by Stats. 1965, Ch. 1144.)

PART 2. PROTECTION OF FOREST, RANGE AND FORAGE LANDS [4101. - 4789.7.]

(Part 2 added by Stats. 1965, Ch. 1144.)

CHAPTER 8. Z'berg-Nejedly Forest Practice Act of 1973 [4511. - 4628.]

(Chapter 8 repealed and added by Stats. 1973, Ch. 880.)

ARTICLE 8. Penalties and Enforcement [4601. - 4612.]

(Article 8 added by Stats. 1973, Ch. 880.)

4612.

The director shall report to the board and the Legislature by January 15 of each year on the enforcement of, and the amount of penalties and fines imposed and collected pursuant to, this article, including, but not limited to, those penalties and fines imposed and collected pursuant to Sections 4601, 4601.1, and 4601.5. The report shall specifically identify the location and ownership of all properties where persons were cited for violations requiring corrective action by the department pursuant to Section 4607, the nature and cost of the corrective actions, and whether all related expenses incurred by the state have been reimbursed by the responsible party.

(Amended by Stats. 2002, Ch. 953, Sec. 2. Effective January 1, 2003.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-2631	Matthews	Resources.	Chaptered 09/27/2002	09/27/2002 - Chaptered by Secretary of State - Chapter 953, Statutes of 2002.	-		
AB-2810	Canciamilla	Forest resources: penalties and fines: report.	Enrolled 08/16/2004	09/22/2004 - Vetoed by Governor.	-		
SB-621	Sher	Forest resources: timber harvesting plans.	Chaptered 09/29/1999	09/29/1999 - Chaptered by Secretary of State. Chapter 582, Statutes of 1999.	-		

COMMENTS/ RECOMMENDATIONS:

According to Cal-Fire, this report requirement was eliminated through the budget.

REPORT NO. 4

PUBLIC RESOURCES CODE

CODES: 12290 & 12291

DIVISION 10.5. CALIFORNIA FOREST LEGACY PROGRAM ACT OF 2007 [12200. - 12292.]

(Division 10.5 added by Stats. 2007, Ch. 657, Sec. 1.)

CHAPTER 6. Miscellaneous Provisions [12290. - 12292.]

(Chapter 6 added by Stats. 2007, Ch. 657, Sec. 1.)

12290.

Commencing on January 1, 2009, and each January 1 thereafter, the department shall report to the Governor and the Legislature on its implementation of this division during the preceding calendar year. The report shall include, but not be limited to, information concerning applications made pursuant to this division, participating landowners, easement holders under Section 12244, and a description of all easements purchased.

(Added by Stats. 2007, Ch. 657, Sec. 1. Effective January 1, 2008. Repealed as of January 1, 2015, pursuant to Section 12292.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-701	Wiggins	Forest legacy program.	Chaptered 10/13/2007	10/13/2007 - Chaptered by Secretary of State. Chapter 657, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
SB-1832	Chesbro	Forest legacy program.	Chaptered 09/28/2000	09/28/2000 - Chaptered by Secretary of State. Chapter 790, Statutes of 2000.	-		

DIVISION 10.5. CALIFORNIA FOREST LEGACY PROGRAM ACT OF 2007 [12200. - 12292.]

(Division 10.5 added by Stats. 2007, Ch. 657, Sec. 1.)

CHAPTER 6. Miscellaneous Provisions [12290. - 12292.]

(Chapter 6 added by Stats. 2007, Ch. 657, Sec. 1.)

12291.

The department shall make available to the public on its Internet Web site a list of conservation easements acquired through the program. The list shall include information specified in paragraphs (2) to (6), inclusive, of subdivision (c) of Section 5096.520. The list shall be updated biennially.

(Added by Stats. 2007, Ch. 657, Sec. 1. Effective January 1, 2008. Repealed as of January 1, 2015, pursuant to Section 12292.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-2314	Leno	Forestry: California Forest Legacy Program Act of 2000.	Amended Senate 08/30/2006	08/30/2006 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.	-	Yes	Majority
SB-701	Wiggins	Forest legacy program.	Chaptered 10/13/2007	10/13/2007 - Chaptered by Secretary of State. Chapter 657, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
SB-1832	Chesbro	Forest legacy program.	Chaptered 09/28/2000	09/28/2000 - Chaptered by Secretary of State. Chapter 790, Statutes of 2000.	-		

COMMENTS/ RECOMMENDATIONS:

According to Cal-Fire, this annual report on the Forrest Legacy Project is no longer of value.

REPORT NO. 5

SB 1832 (CHAPTER 790, STATUTES OF 2000) SECTION 2

SEC. 2.

Notwithstanding the repeal of Division 10.5 (commencing with Section 12200) of the Public Resources Code on January 1, 2007, by Section 12291 of the Public Resources Code, the Department of Forestry and Fire Protection shall do both of the following:

(a) Provide for monitoring of conservation easements purchased pursuant to former Division 10.5 (commencing with Section 12200) of the Public Resources Code in order to assess the condition of resources being protected, and to ensure that the terms of the easement are being met pursuant to a given conservation easement.

(b) Annually report to the Governor and the Legislature by January 1 of each year on the number of easements purchased pursuant to former Division 10.5 (commencing with Section 12200) of the Public Resources Code, and a description of those easements.

COMMENTS/ RECOMMENDATIONS:

According to Cal-Fire, this report is duplicative of the reports required by the Forrest Legacy Act of 2007 which they are also proposing to delete in Report No. 4.

REPORT NO. 6

SB 855 (CHAPTER 718, STATUTES OF 2010) SECTION 34

SEC. 34.

(a) On or before January 1, 2012, the Department of Forestry and Fire Protection shall report to the Joint Legislative Budget Committee on the steps taken by the Office of the State Fire Marshal to improve fire and panic safety with respect to green building standards. The report also shall describe all steps taken by the Office of the State Fire Marshal to better coordinate work on green building standards code development with the California Building Standards Commission and the Department of Housing and Community Development.

(b) (1) The requirement for submitting a report imposed under subdivision (a) is inoperative on January 1, 2016, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

COMMENTS/ RECOMMENDATIONS:

This report will no longer be due after 2016. The Legislature may wish to consider retaining it in statute until then.

REPORT NO. 7

PUBLIC RESOURCES CODE

DIVISION 4. FORESTS, FORESTRY AND RANGE AND FORAGE LANDS [4001. - 4958.]

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(Part 2 added by Stats. 1965, Ch. 1144.)

CHAPTER 1. Prevention and Control of Forest Fires [4101. - 4204.]

(Chapter 1 added by Stats. 1965, Ch. 1144.)

ARTICLE 2. General Provisions [4111. - 4124.]

(Article 2 added by Stats. 1965, Ch. 1144.)

4124.

Not later than 120 days after the last date of each fiscal quarter, the department shall report to the Joint Legislative Budget Committee, in accordance with Section 9795 of the Government Code, regarding emergency incidents funded entirely or in part from Item 3540-006-0001 of Section 2.00 of the annual Budget Act, commonly referred to as the "emergency fund," or from a similar provision of any future Budget Act that provides funds for emergency fire suppression and detection costs and related emergency revegetation costs, and for which the department administratively classifies these funds as being expended from the emergency fund. The report shall include all of the following:

(a) For each incident that is estimated to cost more than five million dollars (\$5,000,000), as adjusted annually by the department to account for inflation using the California Consumer Price Index published by the Department of Industrial Relations, the report shall include all of the following information, to the extent the information is known by the department:

- (1) The administrative district or districts and the county or counties in which the incident occurred, and whether the incident occurred in a state responsibility area, local responsibility area, federal responsibility area, or some combination of those areas.
- (2) A general description of the incident and the department's response to the incident.
- (3) The total estimated cost of the incident, listed by appropriate category, including, but not limited to, overtime, additional staffing, inmate costs, travel, accommodations, air support, and nonstate vendor costs.
- (4) The estimated costs charged to the emergency fund, listed by appropriate category, including, but not limited to, overtime, additional staffing, inmate costs, travel, accommodations, air support, and nonstate vendor costs.
- (5) The number of personnel and equipment assigned to the incident, including state resources, federal resources, and local resources.
- (6) Whether the state's costs to respond to the incident are eligible for reimbursement from the federal government or a local government.
- (7) Whether the department had performed any fuel reduction, vegetation management, controlled burns, or other fuel treatment in the area of the incident that impacted either the course of the incident or the department's response to the incident.

(b) For each incident that is estimated to cost less than five million dollars (\$5,000,000), as adjusted annually by the department to account for inflation using the California Consumer Price Index published by the Department of Industrial Relations, the report shall include a list of those

incidents, specifying each incident's total estimated cost and total estimated costs charged to the emergency fund.

(c) Information on any other costs paid in whole or in part from the emergency fund.

(Added by Stats. 2010, Ch. 718, Sec. 8. Effective October 19, 2010.)

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SB-855	Committee on Budget and Fiscal Review	Resources.	Chaptered 10/19/2010	10/19/2010 - Chaptered by Secretary of State. Chapter 718, Statutes of 2010.	Secretary of State-Chaptered	Yes	Two Thirds

COMMENTS/ RECOMMENDATIONS:

This report is due quarterly. If the Legislature wishes to continue receiving this information, they may wish to modify the requirement to annually.