

AMENDED IN SENATE MAY 16, 2024

AMENDED IN SENATE APRIL 1, 2024

SENATE BILL

No. 1101

Introduced by Senator Limón

February 13, 2024

An act to amend Sections 10295 and 10340 of the Public Contract Code, and to add Section 4114.4 to the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 1101, as amended, Limón. Fire prevention: prescribed fire: state contracts: maps.

(1) Existing law requires all contracts entered into by a state agency for the acquisition of goods or services, as specified, to be void unless and until approved by the Department of General Services. Existing law requires a state agency to secure at least 3 competitive bids or proposals for each contract. Existing law establishes exceptions to these requirements for specified contracts.

This bill would include in the list of exceptions a contract entered into by the Department of Forestry and Fire Protection for the purpose of providing logistical support for large-scale prescribed fire operations, as provided.

(2) Existing law requires the Department of Forestry and Fire Protection to do certain things with respect to fires, including provide fire prevention and firefighting implements and apparatus, organize fire crew and patrols, and establish observation stations and other necessary structures.

This bill would require the department, on or before January 1, 2026, to identify and map a comprehensive network of potential operational

delineations that can be used for strategic wildfire response or the proactive use of prescribed fire, as provided. The bill would require the *Fire and Resource Assessment Program* in the department, on or before July 1, 2025, and updated annually thereafter, to develop maps of the severity of impacts from wildfires, as provided. The bill would also require the department to annually review the effects of recent fires in the context of community safety and ecological restoration goals to identify priority opportunities for prescribed fire that can further manage hazardous fuel conditions.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) California's plants and iconic landscapes evolved in
4 conjunction with fire. Fire is as essential of a natural process as is
5 rain. California, and its Mediterranean climate, is one of the most
6 naturally fire-prone landscapes on Earth.
7 (b) A century of fire suppression has changed our landscapes.
8 Areas that evolved with frequent low and mixed intensity fire have
9 not seen fire in generations and have become unnaturally dense
10 with vegetation, creating the conditions for extreme fire behavior.
11 Native biodiversity suffers as plants that depend on fire to maintain
12 appropriate conditions are overtaken by species that thrive in the
13 absence of fire.
14 (c) While California's forests and rangelands generally suffer
15 from having too little fire, some ecosystems, such as the shrublands
16 in densely populated southern California, have frequent human
17 ignitions, and therefore unnaturally frequent fires. Managing fire
18 across California's diverse landscapes requires knowing where we
19 need more frequent fire, and where fires are already too frequent.
20 (d) In many cases, prescribed fire is the only restoration and
21 mitigation tool available, and is broadly understood to be the most
22 ecologically appropriate and cost-effective way to address the
23 unnatural landscape condition.
24 (e) The Department of Forestry and Fire Protection (CAL-FIRE)
25 is the largest fire agency in California, with responsibility for nearly
26 one-third of California. CAL-FIRE could achieve dramatically

1 more fuel reduction through prescribed fire if it could be more
2 nimble and use favorable weather conditions. Currently,
3 nonemergency contracting, procurement, and travel requirements
4 preclude many good opportunities for these risk reduction projects.

5 (f) Proactive planning and increased use of beneficial fire will
6 improve the resilience of landscapes and the safety of communities
7 and will help moderate the costs and outcomes of future wildfires.
8 Engaging in collaborative planning with communities will help
9 build a shared understanding of how to manage the risk from
10 wildfire.

11 SEC. 2. Section 10295 of the Public Contract Code is amended
12 to read:

13 10295. (a) All contracts entered into by any state agency for
14 (1) the acquisition of goods or elementary school textbooks, (2)
15 services, whether or not the services involve the furnishing or use
16 of goods or are performed by an independent contractor, (3) the
17 construction, alteration, improvement, repair, or maintenance of
18 property, real or personal, or (4) the performance of work or
19 services by the state agency for or in cooperation with any person,
20 or public body, are void unless and until approved by the
21 department. Every contract shall be transmitted with all papers,
22 estimates, and recommendations concerning it to the department
23 and, if approved by the department, shall be effective from the
24 date of the approval.

25 (b) This section applies to a state agency that by general or
26 specific statute is expressly or impliedly authorized to enter into
27 transactions referred to in this section.

28 (c) This section does not apply to any of the following:

29 (1) A transaction entered into by the Trustees of the California
30 State University, by the Board of Governors of the California
31 Community Colleges, or by a department under the State Contract
32 Act or the California State University Contract Law.

33 (2) A contract of a type specifically mentioned and authorized
34 to be entered into by the Department of Transportation under
35 Section 14035 or 14035.5 of the Government Code, Sections 99316
36 to 99319, inclusive, of the Public Utilities Code, or the Streets and
37 Highways Code.

38 (3) A contract entered into by the Department of Transportation
39 that is not funded by money derived by state tax sources but, rather,
40 is funded by money derived from federal or local tax sources.

1 (4) A contract entered into by the Department of Human
2 Resources for state employee benefits, occupational health and
3 safety, training services, or combination thereof.

4 (5) A contract let by the Legislature.

5 (6) A contract entered into under the authority of Chapter 4
6 (commencing with Section 11770) of Part 3 of Division 2 of the
7 Insurance Code.

8 (7) A contract entered into by the Department of Forestry and
9 Fire Protection for the purpose of providing logistical support for
10 large-scale prescribed fire operations, including, but not limited
11 to, meals, lodging, hired equipment, and land use agreements, or
12 any related subcontract.

13 SEC. 3. Section 10340 of the Public Contract Code is amended
14 to read:

15 10340. (a) Except as provided by subdivision (b), a state
16 agency shall secure at least three competitive bids or proposals for
17 each contract.

18 (b) Three competitive bids or proposals are not required in any
19 of the following cases:

20 (1) In cases of an emergency where a contract is necessary for
21 the immediate preservation of the public health, welfare, or safety,
22 or protection of state property.

23 (2) When the state agency awarding the contract has advertised
24 the contract in the California State Contracts Register and has
25 solicited all potential contractors known to the state agency, but
26 has received less than three bids or proposals.

27 (3) (A) The contract is with another state agency, a local
28 governmental entity, an auxiliary organization of the California
29 State University, an auxiliary organization of a California
30 community college, a foundation organized to support the Board
31 of Governors of the California Community Colleges, or an auxiliary
32 organization of the Student Aid Commission established pursuant
33 to Section 69522 of the Education Code. These contracts, however,
34 shall not be used to circumvent the competitive bidding
35 requirements of this article.

36 (B) Notwithstanding subparagraph (A), until January 1, 2020,
37 an interagency agreement that is in effect pursuant to an amount
38 appropriated to the Office of Planning and Research for precision
39 medicine, including a contract between the Office of Planning and
40 Research, the Regents of the University of California, or an

1 auxiliary organization of the California State University, may
2 include a subcontract not subject to any competitive bidding
3 requirements of this article for the limited purpose of researching
4 or developing precision medicine.

5 (4) The contract meets the conditions prescribed by the
6 department pursuant to subdivision (a) of Section 10348.

7 (5) The contract has been awarded without advertising and
8 calling for bids pursuant to Section 19404 of the Welfare and
9 Institutions Code.

10 (6) Contracts entered into pursuant to Section 14838.5 of the
11 Government Code.

12 (7) Contracts for the development, maintenance, administration,
13 or use of licensing or proficiency testing examinations.

14 (8) The contract is for services for the operation, maintenance,
15 repair, or replacement of specialized equipment at facilities of the
16 State Water Resources Development System, as defined in Section
17 12931 of the Water Code, and meets the conditions established by
18 the Department of Water Resources for those contracts.

19 (9) The contract meets the conditions prescribed by the
20 Department of Water Resources for contracts subject to Section
21 10295.6.

22 (10) A contract entered into by the Commission on Peace Officer
23 Standards and Training or the Office of Emergency Services solely
24 for the services of instructors for public safety training. For the
25 purpose of this paragraph, “public safety training” includes, but
26 is not limited to, training related to law enforcement, emergency
27 medical response, emergency volunteers, and fire responders.

28 (11) A contract entered into by the Department of Forestry and
29 Fire Protection for the purpose of providing logistical support for
30 large-scale prescribed fire operations, including, but not limited
31 to, meals, lodging, hired equipment, and land use agreements, or
32 any related subcontract.

33 (c) A state agency that has received less than three bids or
34 proposals on a contract shall document, in a manner prescribed by
35 the department, the names and addresses of the firms or individuals
36 it solicited for bids or proposals.

37 SEC. 4. Section 4114.4 is added to the Public Resources Code,
38 to read:

39 4114.4. (a) (1) On or before January 1, 2026, the department,
40 in coordination with the United States Forest Service and other

1 relevant state, federal, tribal, local, and private cooperators, shall
2 identify and map a comprehensive network of potential operational
3 delineations that can be used for strategic wildfire response or the
4 proactive use of prescribed fire. This effort shall *use existing tools,*
5 *including, but not limited to, the open-source tool known as*
6 *Planscape, and build on existing plans, including, but not limited*
7 *to, community wildfire protection plans, CAL-FIRE unit fire plans,*
8 *and potential operational delineations for wildfires of the United*
9 *States Forest Service.*

10 (2) The map described in paragraph (1) shall comply with both
11 of the following:

12 (A) Be included in outreach efforts for state programs related
13 to fire planning and community engagement efforts, such as, but
14 not limited to, the Regional Forest and Fire Capacity Program
15 (Article 11 (commencing with Section 4208)).

16 (B) Be assessed for potential impacts on tribal cultural resources
17 and sensitive species in areas where there will be significant ground
18 disturbance. The department, through local units of the department,
19 shall engage with and consult tribal entities in the region for input
20 on the potential network of delineations described in paragraph
21 (1). Tribal leadership in this process shall be supported and engaged
22 with to the extent feasible. If an appropriation by the Legislature
23 has been made for these purposes, state resources may be used to
24 support tribal engagement in developing, reviewing, and assessing
25 proposed locations. This subparagraph does not alter any duty by
26 the department to consult with tribal governments during a wildfire
27 event.

28 (b) (1) In order to provide a nuanced understanding of postfire
29 conditions, on or before July 1, 2025, and updated annually
30 thereafter, *the Fire and Resource Assessment Program in the*
31 *department shall develop maps of the severity of impacts from*
32 *wildfires that includes fires of significant size across all land*
33 *ownerships. To the extent feasible, in developing the maps*
34 *described in this paragraph, the department shall collaborate with*
35 *the United States Forest Service, the United States*
36 *Geological Survey, and other relevant parties, and shall,*
37 *where appropriate, use data from existing sources, including from*
38 *the Burn Severity Portal maintained by the United States*
39 *Geological Survey.* For purposes of complying with this paragraph,
40 the department may contract with a third party.

- 1 (2) The department shall make the maps described in paragraph
- 2 (1) available to the public on its internet website.
- 3 (c) The department shall annually review the effects of recent
- 4 fires in the context of community safety and ecological restoration
- 5 goals to identify priority opportunities for prescribed fire that can
- 6 further manage hazardous fuel conditions.

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