

AMENDED IN ASSEMBLY APRIL 2, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2381

Introduced by Assembly Member Cogdill

February 21, 2002

An act to amend Section 41801 of the Health and Safety Code, and to amend Section 4671 of the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 2381, as amended, Cogdill. Department of Forestry and Fire Protection.

Existing

(1) Existing law relating to nonagricultural burning provides that its provisions do not limit the authority granted by other provisions of law for any public officer to set or permit fires when the fire is deemed necessary by that officer for any of several purposes including the prevention of a fire hazard that cannot be abated by other means.

This bill would instead provide that the law relating to nonagricultural burning does not limit authority granted by other provisions of law for a public officer to set or permit a fire for fire hazard prevention when the fire is immediately necessary and there is no reasonable alternative to the burning if best management practices are used.

(2) Existing law authorizes the Department of Forestry and Fire Protection, in accordance with policies established by the State Board of Forestry and Fire Protection, to engage in and develop methods of

protecting state forests and wildland resources and to enter into agreements, as specified, to accomplish those purposes.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

1 SECTION 1. *Section 41801 of the Health and Safety Code is*
2 *amended to read:*

3 41801. Nothing in this article shall be construed as limiting
4 the authority granted under other provisions of law to any public
5 officer to set or permit a fire when ~~such~~ *the* fire is, in his or her
6 opinion, necessary for any of the following purposes:

7 (a) The prevention of a fire hazard ~~which cannot be abated by~~
8 ~~any other means~~, *where there is an immediate need for and no*
9 *reasonable alternative to burning, if best management practices*
10 *are used. It is the intent of the Legislature in enacting the act*
11 *adding this subdivision to reduce flammable and hazardous fuel*
12 *loads that pose a danger to the state. Nothing in this subdivision*
13 *shall be construed as limiting the ability of public entities that are*
14 *responsible for fire hazard prevention to perform their duties.*

15 (b) The instruction of public employees in the methods of
16 fighting fire.

17 (c) The instruction of employees in methods of fighting fire,
18 when ~~such~~ *the* fire is set, pursuant to permit, on property used for
19 industrial purposes.

20 (d) The setting of backfires necessary to save life or valuable
21 property pursuant to Section 4426 of the Public Resources Code.

22 (e) The abatement of fire hazards pursuant to Section 13055.

23 (f) Disease or pest prevention, where there is an immediate
24 need for and no reasonable alternative to burning.

25 (g) The remediation of an oil spill pursuant to Section 8670.7
26 of the Government Code.

27 SEC. 2. Section 4671 of the Public Resources Code is
28 amended to read:

29 4671. The department may, in accordance with the policy of
30 the board, engage in and demonstrate methods of developing,
31 using, and protecting the forest and wildland resources of the state.



1 To accomplish these purposes, it may, with the approval of the
2 Department of Finance, enter into agreements with any agency of
3 government, including the federal government, and with any
4 person, firm, or corporation, and may make expenditures for these
5 purposes.

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