

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Judiciary by Prior Reference
Vote:	9 - 0 - 0
Yeas:	Clem, Esquivel, Krieger, McKeown, Reardon, Thompson, Unger, Whitsett, Witt
Nays:	0
Exc.:	0
Prepared By:	Beth Patrino, Administrator
Meeting Dates:	3/12, 3/14

WHAT THE MEASURE DOES: Allows person holding interest in property to recover in civil action economic and property damages resulting from fire that results from violation of Act or rules adopted under Act. Allows recovery of twice amount of economic and property damages if fire occurred as result of recklessness, gross negligence, willfulness or malice. Makes person liable for payment of firefighting costs. Specifies that remedies are in addition to any available criminal or civil penalties, but are exclusive remedies for damages or injury due to fire or escaped fire. Defines “escaped fire.” Applies to fires after effective date of Act. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- 2007 Moonlight Fire in California and resulting litigation
- Application of state liability laws in federal court
- Method for valuing property damages resulting from forest fire

EFFECT OF COMMITTEE AMENDMENT: Replaces measure.

BACKGROUND: In 2007, the Moonlight Fire started on private forestlands in Lassen County, California and spread to public lands managed by the United States Forest Service. The fire burned more than 64,000 acres. The United States Department of Justice (US DOJ) sued the owner of the property where the fire started, an operator harvesting trees on the property, and the owner of the standing timber. The US DOJ claim for property damages was based on California law. The owner of the timber settled the case by payment of \$55 million to the federal government and transfer of approximately 22,500 acres of land. House Bill 3201 A would specify how damages due to forest fire are determined.