

**REVENUE:** No revenue impact

**FISCAL:** No fiscal impact

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 0 - 0

**Yeas:** Close, Dingfelder, Kruse, Roblan, Prozanski

**Nays:** 0

**Exc.:** 0

**Prepared By:** Anna Braun, Counsel

**Meeting Dates:** 3/21, 4/11

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**WHAT THE MEASURE DOES:** Prescribes damages allowed in the event of wildfire on public or private land forest land. Defines wildfire. Allows recovery of twice amount of economic and property damages if fire occurred as result of recklessness, gross negligence, willfulness or malice. Defines “fair market value” for calculating damages. Allows suit for unlawful taking of wildlife. Provides evidentiary standard for fault in wildfire cases. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Application to wildfires only
- Evidentiary standard
- Unlawful taking of wildlife

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the original 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 claimed \$709 million for damages 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. The Moonlight Fire lawsuit was criticized for pursuing novel claims and claiming damages in excess of market values. Senate Bill 709 A clarifies how to calculate damages in the event of a wildfire in an effort to provide certainty to landowners.