

# HOUSE BILL REPORT

## SSB 5305

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**As Passed House:**  
April 11, 2019

**Title:** An act relating to electric utility wildland fire prevention.

**Brief Description:** Concerning electric utility wildland fire prevention.

**Sponsors:** Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Van De Wege, Warnick, McCoy, Takko, Short, Sheldon and Nguyen).

**Brief History:**

**Committee Activity:**

Rural Development, Agriculture, & Natural Resources: 3/15/19, 4/2/19 [DP].

**Floor Activity:**

Passed House: 4/11/19, 96-0.

**Brief Summary of Substitute Bill**

- Requires the Commissioner of Public Lands to establish a utility wildland fire prevention task force.

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### HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 14 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick, Springer and Walsh.

**Staff:** Robert Hatfield (786-7117).

**Background:**

In 2007 the Legislature designated the Department of Natural Resources (DNR) as the state lead in developing a comprehensive forest health program for the state and created a tiered advisory and regulatory system to address forest health issues. The DNR has direct charge of and supervision over all matters pertaining to the forest fire service of the state. The forest

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fire-related duties of the DNR include enforcing all forest fire-related laws, investigating the cause of forest fires, and directing fire suppression efforts as necessary.

**Summary of Bill:**

The Commissioner of Public Lands (Commissioner) must convene a utility wildland fire prevention task force (task force) with electrical distribution utilities by July 1, 2019. The task force must continue to meet no less than quarterly until December 1, 2020.

The duties of the task force are to advise the Department of Natural Resources (DNR) on various specified matters related to the relationship between utility infrastructure and wildland fires.

Among other things, the task force must:

- develop, for the consideration of the DNR and individual electric utilities, a model agreement for managing danger trees and other vegetation that pose a risk of wildland fire;
- develop communication protocols and educational exchanges between the DNR and electric utilities for identifying and addressing issues relating to utility infrastructure in order to reduce the risks of wildland fires; and
- create rosters of certified wildland fire investigation firms or persons and third-party qualified utility operations personnel.

In consultation with the task force, the DNR must undertake certain tasks, including:

- make available the communication protocols and educational exchanges between the DNR and the electric utilities;
- distribute to utilities a voluntary model danger tree management agreement; and
- issue a roster of third-party certified wildland fire investigators and qualified utility personnel that may assist the DNR or utilities in understanding and reducing risks and liabilities from wildfire.

The DNR must submit a preliminary report to the Legislature by December 1, 2019, and a final report by December 1, 2020.

The Commissioner or the Commissioner's designee must chair the task force and must appoint task force members. Task force membership should include:

- one person representing each investor-owned utility;
- two persons representing municipal utilities;
- two persons representing public utility districts;
- two persons representing rural electric cooperatives;
- one person representing small forest landowners;
- one person representing industrial forest landowners; and
- other persons with expertise in wildland fire risk reductions and prevention.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill sets up an exchange of expertise between the Department of Natural Resources and electrical utilities. It makes sense to start with the current scope of landowners specified in this bill, and then perhaps engage other landowners, such as the federal government. The universe of danger trees, whether through wildfire or wind, is something that needs to be addressed. The trees outside of the radius of utility easements that pose a fall risk to utility lines is something that needs to be addressed.

This bill represents a preventive model approach to managing vegetation and danger trees. The makeup of the task force makes sense.

Working together in a collaborative environment will help address important issues. Losing utility service as a result of wildfire is detrimental to customers, not just because of the loss of electrical power, but also because of the other services, such as telephone and broadband, that are also carried on utility poles.

There are approximately 34,000 miles of electrical transmission and distribution lines in rural areas, many of which are in areas that are prone to wildfire. It is important to figure out how to reduce the risk of wildfire.

(Opposed) None.

**Persons Testifying:** Dave Warren, Klickitat County Public Utility District; Loren Torgerson, Department of Natural Resources; Shaun Seaman, Chelan County Public Utility District; and Nicolas Garcia, Washington Public Utility Districts Association.

**Persons Signed In To Testify But Not Testifying:** None.