

SENATE BILL REPORT

SB 5158

As of January 18, 2021

Title: An act relating to utility wildland fire prevention advisory committee.

Brief Description: Concerning the utility wildland fire prevention advisory committee.

Sponsors: Senators Hawkins, Rolfes, Saldaña, Van De Wege and Wagoner.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/19/21.

Brief Summary of Bill

- Requires the Commissioner of Public Lands to establish a utility wildland fire prevention advisory committee to provide a forum for the Department of Natural Resources, electric utilities, small and industrial forest landowners, and other fire suppression organizations of the state to identify and develop solutions to issues of wildfire prevention and risk.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Karen Epps (786-7424)

Background: Department of Natural Resources Fire and Forest Health Programs. 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. DNR has direct charge of and supervision over all matters pertaining to the forest fire service of the state. The forest fire-related duties of DNR include enforcing all forest fire-related laws, investigating the cause of forest fires, and directing fire suppression efforts as necessary.

Electric Utilities Wildland Fire Prevention Task Force. In 2019, the Legislature passed SSB

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5305, directing the Commissioner of Public Lands (commissioner) to establish an Electric Utility Wildland Fire Prevention Task Force (task force). The task force was comprised of people with expertise in wildland fire risk reduction and prevention, a representative of both small and industrial forest landowners, and entities providing retail electric service, including:

- one person representing each investor-owned utility;
- two people representing municipal utilities;
- two people representing public utility districts; and
- two people representing rural electric cooperatives.

The task force advised DNR on the development of:

- a model agreement for managing danger trees and other vegetation that pose a risk of wildland fire and associated utility liability due to the proximity to electrical transmission wires and other utility equipment;
- communication protocols and educational exchanges between DNR and electric utilities for identifying and addressing issues relating to utility infrastructure to reduce the risks of wildland fires;
- protocols and thresholds when DNR's investigation involves electric utility infrastructure or potential electric utility liability; and
- rosters of certified wildland fire investigation firms or persons and third-party qualified utility operators.

DNR submitted a final report to the Legislature in December 2020. The commissioner intends to maintain a utility advisory committee to advise DNR on all matters related to the prevention of electric utility caused wildfires, and other issues deemed necessary by the commissioner.

Summary of Bill: The commissioner must convene a Utility Wildland Fire Prevention Advisory Committee (advisory committee) by August 1, 2021. The duties of the advisory committee are to advise DNR on issues including:

- matters related to the implementation of recommendations of the task force;
- providing a forum for electric utilities, DNR, and other fire suppression organizations of the state to identify and develop solutions to issues of wildfire prevention and risk;
- mitigation specifically related to electric utilities transmission and distribution networks, identification of best management practices, electric utility infrastructure protection, and wildland fire suppression and response;
- establishing joint public communications protocols among members of the advisory committee, and other entities, to inform residents of potential critical fire weather events and the potential for power outages or disruptions; and
- all other related issues deemed necessary by the commissioner

The advisory committee membership is comprised of the same representatives that served on the task force, with the addition of four advisory committee members designated by the commissioner. The commissioner, or the commissioner's designee, must convene and chair

the meetings of the advisory committee. Members of the advisory committee are immune from civil liability for official acts performed in the course of their duties specifically related to the advisory committee.

By August 1, 2021, DNR must post on its website and update quarterly as necessary:

- communication protocols and educational exchanges between DNR and electric utilities;
- a voluntary model danger tree management agreement;
- protocols and thresholds that may be used when DNR's investigation involves electric utility infrastructure or potential electric utility liability; and
- a roster of third-party certified wildland fire investigators and qualified utility personnel.

Beginning July 1, 2022, and at the beginning of each biennium thereafter, DNR must submit a report to the Legislature describing the prior biennium proceedings of the advisory committee, including identification, if any, of recommended legislation necessary to prevent wildfires related to electric utilities.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Requested on January 15, 2021.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.