

RCW 76.04.780 Utility wildland fire prevention advisory

~~committee—Duties—Report—Membership—Immunity.~~ (1) The commissioner shall convene a utility wildland fire prevention advisory committee with electrical power distribution utilities by August 1, 2021. The duties of the advisory committee are to advise the department on issues including, but not limited to:

(a) Matters related to the ongoing implementation of the relevant recommendations of the electric utility wildland fire prevention task force established in chapter 77, Laws of 2019, and by August 1, 2021, with an update by May 30, 2024, and updated every three years thereafter:

(i) Implementing and updating as appropriate a model agreement for managing danger trees and other vegetation adjacent to utility rights-of-way on state uplands managed by the department;

(ii) Implementing and updating recommendations of the task force related to communications and information exchanges between the department and utilities;

(iii) Implementing and updating recommendations of the task force related to protocols and thresholds when implementing provisions of RCW 76.04.015; and

(iv) Implementing and updating recommendations of the task force related to creating rosters of certified wildland fire investigator firms or persons and qualified utility operations personnel who may be called upon as appropriate;

(b) Providing a forum for electric utilities, the department, and other fire suppression organizations of the state to identify and develop solutions to issues of wildland fire 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;

(c) Establishing and updating joint public communications protocols among members of the advisory committee, and other entities, to inform residents of the state of potential critical fire weather events and the potential for power outages or disruptions;

(d) Providing comment to the wildland fire advisory committee established in RCW 76.04.179 through an annual presentation addressing policies and priorities of the utility wildland fire prevention advisory committee; and

(e) All other related issues deemed necessary by the commissioner.

(2) By August 1, 2021, the department must post on its website and update quarterly as necessary:

(a) Communication protocols and educational exchanges between the department and electric utilities;

(b) A voluntary model danger tree management agreement to utilities for their consideration for execution with the department;

(c) Protocols and thresholds that may be utilized when the department's investigation involves electric utility infrastructure or potential electric utility liability; and

(d) A roster of third-party certified wildland fire investigators and qualified utility personnel that may assist the department or utility in understanding and reducing risks and liabilities from wildland fire.

(3) Beginning July 1, 2022, and at the beginning of each subsequent biennium thereafter, the department must submit, in

compliance with RCW 43.01.036, a report describing the prior biennium proceedings of the advisory committee, including identification of recommended legislation, if any, necessary to prevent wildfires related to electric utilities.

(4) The utility wildland fire prevention advisory committee must develop recommendations for strengthening state agency coordination of wildland fire risk reduction, prevention, and suppression. In this work, the utility wildland fire prevention advisory committee shall seek the views of the wildland fire advisory committee created under RCW 76.04.179, as well as the views of the energy resilience and emergency management office of the department of commerce and the utilities and transportation commission.

(5) The utility wildland fire prevention advisory committee must host electric utility wildfire mitigation plans as described under RCW 19.29A.170 on its website.

(6) The commissioner or the commissioner's designee must chair the advisory committee created in subsection (1) of this section and must appoint advisory committee members. The commissioner shall invite a representative of the energy resilience and emergency management office of the department of commerce and a representative of the utilities and transportation commission. Advisory committee membership should also include:

- (a) Entities providing retail electric service, including:
 - (i) One person representing each investor-owned utility;
 - (ii) Two persons representing municipal utilities;
 - (iii) Two persons representing public utility districts;
 - (iv) Two persons representing rural electric cooperatives or mutual corporations or associations;
 - (v) One person representing small forestland owners;
 - (vi) One person representing industrial forestland owners;
- (b) Other persons with expertise in wildland fire risk reduction and prevention;
- (c) Other persons whom the commissioner deems appropriate to carry out the functions of the advisory committee; and
- (d) Two persons representing historically marginalized or underrepresented communities.

(7) The commissioner or the commissioner's designee shall convene the initial meeting of the advisory committee. The advisory committee chair must schedule and hold meetings on a regular basis, at a minimum of twice per year but not more than four times per year, in order to expeditiously accomplish the duties and make recommendations regarding the elements described in this section.

(8) The members of the advisory committee, or individuals acting on their behalf, are immune from civil liability for official acts performed in the course of their duties specifically related to the advisory committee.

(9) Participation on the advisory committee created in subsection (1) of this section is strictly voluntary and without compensation. A lack of volunteers or applicants for any category may not prevent the committee from meeting and conducting its business.

(10) Any requirements in this section are subject to the availability of amounts appropriated for the specific purposes described. [2023 c 132 s 5; 2021 c 183 s 1; 2019 c 77 s 1.]

Findings—Intent—2023 c 132: See note following RCW 76.04.185.