AN ACT Relating to utility wildland fire prevention advisory committee; and amending RCW 76.04.780.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 76.04.780 and 2019 c 77 s 1 are each amended to read as follows:

(1) The commissioner shall convene a utility wildland fire prevention advisory committee with electrical power distribution utilities by ((July 1, 2019, and no less than quarterly thereafter until December 1, 2020)) August 1, 2021. The duties of the advisory committee are to advise the department on issues including, but not limited to:

(a) Developing, for consideration by the department and individual electric utilities, 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;

(b) Developing communication protocols and educational exchanges between the department and electric utilities for identifying and addressing issues relating to utility infrastructure to reduce the risks of wildland fires;
(e) Developing protocols, including thresholds, for implementing
the relevant provisions of RCW 76.04.015 when the department's
investigation involves electric utility infrastructure or potential
electric utility liability;
(d) Creating rosters of certified wildland fire investigation
firms or persons and third-party qualified utility operations
personnel who may be called upon by the parties as appropriate; and
(e) Other issues brought forward by task force members.
(2) In consultation with the task force created in subsection (1)
of this section, the department must:
(a) Make available the form of communication protocols and
educational exchanges between the department and electric utilities;
(b) With the assistance of the task force, distribute a voluntary
model danger tree management agreement to utilities for their
consideration for execution with the department;
(c) Publish the protocols and thresholds described in subsection
(1)(c) of this section;
(d) Issue 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. The department must update the roster
of third-party certified wildland fire investigators and qualified
utility personnel no less than every four years.
(3) The department must submit, in compliance with RCW 43.01.036,
a preliminary report to the legislature by December 1, 2019, and a
final report to the legislature by December 1, 2020, on the results
of tasks identified in subsections (1) and (2) of this section and
identification of legislation, if any, necessary to implement the
recommendations of the task force)) 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:
(i) Finalizing 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 recommendations of the task force related to
communications and information exchanges between the department and
utilities;
(iii) Implementing recommendations of the task force related to protocols and thresholds when implementing provisions of RCW 76.04.015; and

(iv) Implementing 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 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;

(c) Establishing 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 utility wildland fire prevention advisory committee 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 commissioner or the commissioner's designee must chair the advisory committee created in subsection (1) of this section and must appoint members. Advisory committee membership should 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;
   (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; and

(c) No more than four other persons designated by the commissioner.

(5) The commissioner or the commissioner's designee shall convene the initial meeting of the advisory committee.

(6) 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.

(7) Participation on the advisory committee created in subsection (1) of this section is strictly voluntary and without compensation.

(8) Any requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.