

5158.E AMH RDAN H1366.2

**ESB 5158** - H COMM AMD

By Committee on Rural Development, Agriculture & Natural Resources

**ADOPTED 04/08/2021**

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

11 (a) (~~Developing, for consideration by the department and~~  
12 ~~individual electric utilities, a model agreement for managing danger~~  
13 ~~trees and other vegetation that pose a risk of wildland fire and~~  
14 ~~associated utility liability due to the proximity to electrical~~  
15 ~~transmission wires and other utility equipment;~~

16 (b) ~~Developing communication protocols and educational exchanges~~  
17 ~~between the department and electric utilities for identifying and~~  
18 ~~addressing issues relating to utility infrastructure to reduce the~~  
19 ~~risks of wildland fires;~~

20 (c) ~~Developing protocols, including thresholds, for implementing~~  
21 ~~the relevant provisions of RCW 76.04.015 when the department's~~  
22 ~~investigation involves electric utility infrastructure or potential~~  
23 ~~electric utility liability;~~

24 (d) ~~Creating rosters of certified wildland fire investigation~~  
25 ~~firms or persons and third-party qualified utility operations~~  
26 ~~personnel who may be called upon by the parties as appropriate; and~~

27 (e) ~~Other issues brought forward by task force members.~~

28 (2) ~~In consultation with the task force created in subsection (1)~~  
29 ~~of this section, the department must:~~

30 (a) ~~Make available the form of communication protocols and~~  
31 ~~educational exchanges between the department and electric utilities;~~

1 ~~(b) With the assistance of the task force, distribute a voluntary~~  
2 ~~model danger tree management agreement to utilities for their~~  
3 ~~consideration for execution with the department;~~

4 ~~(c) Publish the protocols and thresholds described in subsection~~  
5 ~~(1)(c) of this section;~~

6 ~~(d) Issue a roster of third-party certified wildland fire~~  
7 ~~investigators and qualified utility personnel that may assist the~~  
8 ~~department or utility in understanding and reducing risks and~~  
9 ~~liabilities from wildland fire. The department must update the roster~~  
10 ~~of third-party certified wildland fire investigators and qualified~~  
11 ~~utility personnel no less than every four years.~~

12 ~~(3) The department must submit, in compliance with RCW 43.01.036,~~  
13 ~~a preliminary report to the legislature by December 1, 2019, and a~~  
14 ~~final report to the legislature by December 1, 2020, on the results~~  
15 ~~of tasks identified in subsections (1) and (2) of this section and~~  
16 ~~identification of legislation, if any, necessary to implement the~~  
17 ~~recommendations of the task force)) Matters related to the ongoing~~  
18 ~~implementation of the relevant recommendations of the electric~~  
19 ~~utility wildland fire prevention task force established in chapter~~  
20 ~~77, Laws of 2019, and by August 1, 2021:~~

21 ~~(i) Finalizing a model agreement for managing danger trees and~~  
22 ~~other vegetation adjacent to utility rights-of-way on state uplands~~  
23 ~~managed by the department;~~

24 ~~(ii) Implementing recommendations of the task force related to~~  
25 ~~communications and information exchanges between the department and~~  
26 ~~utilities;~~

27 ~~(iii) Implementing recommendations of the task force related to~~  
28 ~~protocols and thresholds when implementing provisions of RCW~~  
29 ~~76.04.015; and~~

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

34 ~~(b) Providing a forum for electric utilities, the department, and~~  
35 ~~other fire suppression organizations of the state to identify and~~  
36 ~~develop solutions to issues of wildfire prevention and risk~~  
37 ~~mitigation specifically related to electric utilities transmission~~  
38 ~~and distribution networks, identification of best management~~  
39 ~~practices, electric utility infrastructure protection, and wildland~~  
40 ~~fire suppression and response;~~

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

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

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

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

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

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

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

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

24 (3) Beginning July 1, 2022, and at the beginning of each  
25 subsequent biennium thereafter, the department must submit, in  
26 compliance with RCW 43.01.036, a report describing the prior biennium  
27 proceedings of the advisory committee, including identification of  
28 recommended legislation, if any, necessary to prevent wildfires  
29 related to electric utilities.

30 (4) The commissioner or the commissioner's designee must chair  
31 the ~~((task-force))~~ advisory committee created in subsection (1) of  
32 this section and must appoint ~~((task-force))~~ advisory committee  
33 members. ~~((Task-force))~~ Advisory committee membership should include:

34 (a) Entities providing retail electric service, including:

35 (i) One person representing each investor-owned utility;

36 (ii) Two persons representing municipal utilities;

37 (iii) Two persons representing public utility districts;

38 (iv) Two persons representing rural electric cooperatives;

39 (v) One person representing small forestland owners;

1 (vi) One person representing industrial forestland owners;  
2 ((and))  
3 (b) Other persons with expertise in wildland fire risk reduction  
4 and prevention; and  
5 (c) No more than two other persons designated by the  
6 commissioner.  
7 (5) In addition to the advisory committee membership established  
8 in subsection (4) of this section, the commissioner shall designate  
9 two additional advisory committee members representing historically  
10 marginalized or underrepresented communities.  
11 (6) The commissioner or the commissioner's designee shall convene  
12 the initial meeting of the ((task force)) advisory committee.  
13 ((+6)) (7) The members of the advisory committee, or individuals  
14 acting on their behalf, are immune from civil liability for official  
15 acts performed in the course of their duties specifically related to  
16 the advisory committee.  
17 (8) Participation on the ((task force)) advisory committee  
18 created in subsection (1) of this section is strictly voluntary and  
19 without compensation.  
20 (9) Any requirements in this section are subject to the  
21 availability of amounts appropriated for the specific purposes  
22 described."

23 Correct the title.

EFFECT: Makes the following changes to the underlying bill:

1. Requires the Commissioner of Public Lands (Commissioner) to designate two members of the Utility Wildland Fire Prevention Advisory Committee (Advisory Committee) representing historically marginalized or underrepresented communities.

2. Reduces the number of other additional Advisory Committee members who may be designated by the Commissioner from four to two.

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