

Multiple Agency Fiscal Note Summary

Bill Number: 5039 SB	Title: Wildfires/electric utilities
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Governor's Office of Indian Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Commerce	2.9	1,104,619	1,104,619	1,104,619	2.9	862,148	862,148	862,148	2.9	857,348	857,348	857,348
Utilities and Transportation Commission	Fiscal note not available											
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Natural Resources	Fiscal note not available											
Total \$	2.9	1,104,619	1,104,619	1,104,619	2.9	862,148	862,148	862,148	2.9	857,348	857,348	857,348

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Governor's Office of Indian Affairs	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	Fiscal note not available								
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Gwen Stamey, OFM	Phone: (360) 790-1166	Date Published: Preliminary
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Individual State Agency Fiscal Note

Bill Number: 5039 SB	Title: Wildfires/electric utilities	Agency: 086-Governor's Office of Indian Affairs
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Kim Cushing	Phone: (360) 786-7421	Date: 01/03/2023
Agency Preparation: Seth Flory	Phone: 360-407-8165	Date: 01/09/2023
Agency Approval: Seth Flory	Phone: 360-407-8165	Date: 01/09/2023
OFM Review: Amy Hatfield	Phone: (360) 000-0000	Date: 01/09/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Senate Bill 5039, regarding efforts to mitigate the risk of wildfire, requires the Energy Resilience and Emergency Managements Office (EREMO) to develop a risk map and recommendations for strengthening wildfire prevention and response. Per the legislation, the EREMO should seek input from The Governor's Office of Indian Affairs (GOIA). GOIA expects their involvement in this process to be minimal and without significant cost. Any costs resulting from involvement in this process can be absorbed by the agency, no fiscal impact.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 5039 SB	Title: Wildfires/electric utilities	Agency: 103-Department of Commerce
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.9	2.9	2.9	2.9	2.9
Account					
General Fund-State 001-1	675,945	428,674	1,104,619	862,148	857,348
Total \$	675,945	428,674	1,104,619	862,148	857,348

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Kim Cushing	Phone: (360) 786-7421	Date: 01/03/2023
Agency Preparation: Marla Page	Phone: 360-725-3129	Date: 01/11/2023
Agency Approval: Jason Davidson	Phone: 360-725-5080	Date: 01/11/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 01/11/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The bill relates to mitigating the risk of wildfires through utility planning and identification of best practices guidelines appropriate to each electric utility's circumstances; amends RCW 76.04.780; adds a new section to chapter 43.21F RCW; adds a new section to chapter 80.28 RCW; adds a new section to chapter 19.29A RCW; and creates a new section.

New Section 2(1) requires the Department of Commerce (department) energy resilience and emergency management office (Office) to contract with an independent consultant with experience in developing electric utility wildfire mitigation plans to recommend a format and identify a list of elements to be included in electric utility wildfire mitigation plans and to make public by April 1, 2024.

The Office must seek input from the Utilities and Transportation Commission (UTC), Department of Natural Resources (DNR), the utility wildland fire prevention advisory committee, electric utilities, the state fire marshal, the Governor's Office of Indian Affairs, and the public. By April 1, 2024, the Office must make public a recommended format and a list of elements for plans. The office may update these guidelines annually if needed, but not more than once in each year.

New Section 2(3) requires the Office to forward the recommended format and list of elements developed to UTC, DNR, and all electric utilities in Washington state for a review period of three months prior to finalizing the format and list of elements that utilities will adopt.

New Section 2(4) requires the Office to provide technical assistance to consumer-owned utilities and investor-owned utilities to support inclusion of these guidelines in the revision of their plans.

New Section 2(5) requires the Office to create a public website to host electric utility wildfire mitigation plans as described under sections 3 and 4 of this act.

New Section 2(6) requires the Office to submit to the appropriate committees of the senate and house of representatives a compilation and summary of existing wildfire mitigation plans maintained by electric utilities by December 31, 2024.

New Section 2(7) provides for definitions that apply throughout this subsection unless the context clearly states otherwise.

New Section 2(7)(a) defines "Consumer-owned utility" (COU) to mean a municipal electric, public, or irrigation district, cooperative or mutual corporation or association that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

New Section 2(7)(b) defines "Electric utility" or "electrical company" means a consumer-owned utility or an investor-owned utility.

New Section 2(7)(c) defines "Investor-owned utility" to mean a corporation owned by investors and is engaged in distributing electricity to more than one retail electric customer in the state.

New Section 2(7)(d) defines "Office" to mean the energy resilience and emergency management office of the department.

New Section 3(1) adds a new chapter to RCW 80.28 and requires each electrical company to review and revise its wildfire mitigation plan, if appropriate, by October 31, 2024 and every three years thereafter.

New Section 3(1)(a) requires that the UTC must consult with the Office in reviewing the consumer-owned utility (COU) wildfire mitigation plans.

New Section 3(1)(b) requires the electrical company to provide a copy of the plan to the energy resilience and emergency management office of the department of commerce along with a list and description of wildland fires within its customer service area over the previous two years as reported by the department of natural resources. The plan must be posted as specified in section 2 of this act.

New Section 4(1) adds a new chapter to RCW 19.29A and requires each COU to review and revise its mitigation plan, if appropriate, by October 31, 2024 and every three years thereafter.

New Section 4(1)(a)(b) requires each COU to submit their plan to the Office for review, and the Office must provide feedback within six months for consideration for inclusion in the next plan revision. The department is not liable for a COUs implementation of its wildfire mitigation plan.

New Section 4(1)(b)(c) requires the Office to review the submitted plans and provide feedback within six months for consideration for inclusion in the next plan revision. COU's are encouraged to submit any 2023 wildfire mitigation plans to the energy resilience and emergency management office of the department prior to the revision date required in this subsection.

New Section 4(2) states two or more abutting electric utilities may codevelop a wildfire mitigation plan. Wildfire mitigation plans that are codeveloped by more than one utility may identify areas of common implementation that will assist in implementing the identified recommended actions pursuant to section 2 of this act.

Section 5(1)(b) amends RCW 76.04.080 and removes language for “wildfire” and adds “wildland fire” to identify in the development and solutions to issues for wildland fire prevention and risk mitigation.

Section 5(3) requires that DNR will submit a report that includes the appropriate committees of the senate and house of representatives describing the prior biennium proceedings of the advisory committee to include identification of recommended legislation, if any, necessary to prevent wildfires related to electric utilities. The report must be submitted by December 31, 2023 and include:

(a) an analysis of the costs and benefits of preparing and maintaining a comprehensive statewide wildland fire risk map that identifies relative risk classes, with detail at a level to assist property owners, local governments, utilities, wildland management agencies, and fire response agencies in taking actions to minimize wildland fire starts and resulting damage. The analysis must include incorporating the boundaries of the wildland urban interface and boundaries of electric utilities' service territories; and

(b) 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 as well as the views of the energy resilience and emergency management office.

Section 5(4) requires the Commissioner or designee to include the energy resilience and emergency management office of the department and a representative of UTC.

Section 5(6) requires the advisory committee chair to schedule and hold meetings on a regular basis in order to accomplish the duties and make recommendations regarding the elements described in subsection (3) of this section.

Effective date is assumed to be 90 days after adjournment of the session in which this bill is passed.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

General Assumptions:

The bill requires the Office to coordinate with UTC, DNR and the utility wildland fire prevention advisory committee, electric utilities, the state fire marshal, the Governor's Office of Indian Affairs, to recommend a format and a list of elements for utility wildfire mitigation plans. The department also assumes coordination with UTC and all electric utilities in the state to include meetings for reviewing the format and list of elements during the three-month review period required to finalize. The department will contract with an independent consultant with experience in developing electric utility wildfire mitigation plans to recommend a format and identify a list of elements to be included in electric utility wildfire mitigation plans and to make public by April 1, 2024.

The department is also required to provide recommendations for strengthening state agency coordination of wildfire risk reduction, prevention, and suppression and would be included in the advisory committee report sent to the legislature by December 31, 2023 and at the beginning of each subsequent biennium.

By April 1, 2024, the Office must make public a recommended format and a list of elements for plans. The office may update these guidelines annually if needed, but not more than once in each year.

The energy resilience and emergency management office staff will provide recommendations and views and represent the department on the advisory council to include attend all meetings.

To complete this work the department estimates (FY24-FY29), work is assumed to be ongoing:

1.0 FTE Emergency Management Program Specialist 4 (2,088 hours) in FY24-FY29, to be the lead planner to review planning guidelines, reviewing COU plans, and providing technical assistance, and attend meetings.

1.0 FTE Emergency Management Program Specialist 3 (2,088 hours) in FY24-FY29, to support the lead planner in reviewing planning guidelines, reviewing plans, and providing technical assistance.

0.5 FTE Administrative Assistant 3 (1,044 hours) in FY24-FY29, to provide administrative support for coordination with utilities and other state agencies.

Salaries and Benefits:

FY24: \$280,677

FY25-FY29: \$290,243 per fiscal year

Professional Service Contracts:

One professional service contract for a consultant to develop mitigation plan template developing electric utility wildfire mitigation plans to recommend a format and identify a list of elements to be included in electric utility wildfire mitigation plans and to make public by April 1, 2024. The department assumes a rate of \$250 per hour for professional services contracts.

FY24: \$250,000

Goods, Services and Equipment:

FY24: \$52,925

FY25-FY26: \$42,941 per fiscal year

FY27: \$47,741

FY28-FY29: \$42,941 per fiscal year

Intra-Agency Reimbursements:

FY24: \$92,343

FY25-FY29: \$95,490 per fiscal year

Note: Standard goods and services costs include supplies and materials, employee development and training, Attorney General costs, central services charges and agency administration. Intra-agency-administration costs (e.g., payroll, HR, IT) are funded under a federally approved cost allocation plan.

Total Costs

FY24: \$675,945

FY25-FY26: \$428,674 per fiscal year

FY27: \$433,474

FY28-FY29: \$428,574 per fiscal year

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	675,945	428,674	1,104,619	862,148	857,348
Total \$			675,945	428,674	1,104,619	862,148	857,348

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.9	2.9	2.9	2.9	2.9
A-Salaries and Wages	207,705	213,936	421,641	427,872	427,872
B-Employee Benefits	72,972	76,307	149,279	152,614	152,614
C-Professional Service Contracts	250,000		250,000		
E-Goods and Other Services	42,925	42,941	85,866	85,882	85,882
G-Travel					
J-Capital Outlays	10,000		10,000	4,800	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	92,343	95,490	187,833	190,980	190,980
9-					
Total \$	675,945	428,674	1,104,619	862,148	857,348

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Assistant 3	52,616	0.5	0.5	0.5	0.5	0.5
Administrative Services - Indirect	111,168	0.4	0.4	0.4	0.4	0.4
Emergency Management Program Spec 3	86,212	1.0	1.0	1.0	1.0	1.0
Emergency Management Program Spec 4	95,185	1.0	1.0	1.0	1.0	1.0
Total FTEs		2.9	2.9	2.9	2.9	2.9

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 5039 SB	Title: Wildfires/electric utilities	Agency: 225-Washington State Patrol
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Kim Cushing	Phone: (360) 786-7421	Date: 01/03/2023
Agency Preparation: Yvonne Ellison	Phone: 360-596-4042	Date: 01/05/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/05/2023
OFM Review: Tiffany West	Phone: (000) 000-0000	Date: 01/09/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The proposed legislation will have a small indeterminate impact on the State Fire Marshal's Office (SFMO) in the Washington State Patrol (WSP).

New Section 2 requires the State Energy Office in the Department of Commerce to contract with an independent consultant to recommend a plan format and identify and recommend a list of actions to be included in electric utility wildfire mitigation plans by April 1, 2024. Subsection (1) requires that they seek input from the SFMO.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

NONE

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

We are unable to determine how much input the State Energy will require while they develop the recommended format and elements of the electric utility wildfire mitigation plans, but we are assuming it will be between four and fifteen hours. We estimate a total cost of between \$250 - \$1,200 in regular salaries and benefits for a Chief Deputy State Fire Marshal to provide this consultation, which would be absorbed within current resources.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.