

## TESTIMONY

*Douglas Nelson, State Fire Marshal*  
House Energy and Natural Resources  
March 20<sup>th</sup>, 2025

Representative Porter, Chairman of the House Energy and Natural Resources Committee, and Committee members,

I am here in support of Senate Bill 2339, which proposes to codify liability thresholds for qualified utilities in North Dakota. It is my understanding that under common law in North Dakota, strict liability is already not in practice. This bill clarifies and codifies the liability exposure, and establishes a minimum standard of care that should be applied by utilities as a wildfire mitigation plan.

This clarification of liability laws and establishment of a minimum standard of care will help insulate utilities from litigation that could affect services and pricing throughout, but especially in rural areas of, the state.

Wildland-Urban Interface Fires have increased from 285 in 2014 to 569 in 2023. These fires occur in areas where wildland such as grass or crop fires, and buildings such as homesteads and towns interact. These fires are becoming more common and depending upon the conditions are becoming more dangerous. Our wildfires have resulted in fatalities and have been close to burning into towns.

The State Fire Marshal's Office supports the fair and clarified language in Senate Bill 2339. I respectfully ask for your support and thank you for your time.