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AB-3062 Fire protection districts: electrical corporations and local publicly owned electric utilities: prescribed or controlled burns: notice requirements. (2023-2024)

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Date Published: 09/30/2024 02:00 PM

Assembly Bill No. 3062

CHAPTER 753

An act to add Section 764.5 to the Public Utilities Code, relating to electricity.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3062, Bauer-Kahan. Fire protection districts: electrical corporations and local publicly owned electric utilities: prescribed or controlled burns: notice requirements.

Existing law vests the Public Utilities Commission with regulatory authority over electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Existing law requires each electrical corporation and local publicly owned electric utility to annually prepare and submit a wildfire mitigation plan, which includes a description of its procedures for notifying customers who may be impacted by the deenergizing of electrical lines. Existing law requires those procedures to direct notification to all affected public safety offices, critical first responders, health care facilities, and operators of telecommunications infrastructure.

This bill would authorize a fire protection district, as defined, to require an electrical corporation or local publicly owned electric utility to notify the district at least 24 hours before performing a prescribed or controlled burn, except as provided.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the above provisions would be part of the act and a violation of a commission action implementing this bill's requirements would be a crime, the bill would impose a state-mandated local program. Additionally, to the extent this bill would mandate that a local publicly owned electric utility, which is an entity of local government, provide a new program or higher level of service, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 764.5 is added to the Public Utilities Code, to read:

764.5. (a) A fire protection district may require an electrical corporation or local publicly owned electric utility to notify the fire protection district at least 24 hours before performing a prescribed or controlled burn.

(b) If an electrical corporation or local publicly owned electric utility cannot provide 24 hours' notice pursuant to subdivision (a) due to unforeseen circumstances, the electrical corporation or local publicly owned electric utility shall notify the fire protection district at the earliest possible time.

(c) An electrical corporation or local publicly owned electric utility shall provide notice to a fire protection district pursuant to this section by both telephone and email.

(d) This section does not limit or otherwise affect the ability of a fire protection district or any other local agency to require different notice for a prescribed or controlled burn, or impose other requirements allowable by law regarding a prescribed or controlled burn.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.