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SB-1251 Mosquito abatement inspections. (2023-2024)

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Senate Bill No. 1251

CHAPTER 464

An act to add Section 2056 to the Health and Safety Code, relating to mosquito abatement.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1251, Stern. Mosquito abatement inspections.

Existing law, the Mosquito Abatement and Vector Control District Law, provides for the formation of mosquito abatement and vector control districts and specifies the powers and duties of the district boards, including the authority to request an inspection and abatement warrant to determine the presence of vectors or public nuisances, abate the nuisances, determine if a notice to abate a public nuisance has been complied with, and control vectors and treat property with control measures, as specified. Existing law authorizes a county board of supervisors to provide the same services and exercise the same powers as a mosquito abatement and vector control district.

This bill would require an electrical utility, as defined, to enter into a vector management agreement with a mosquito abatement or vector control district or city or county health department within 180 days of a request to do so, as specified. The bill would specifically authorize a mosquito abatement district or vector control district or a city or county health department to seek that agreement. The bill would require the agreement to contain specified provisions, including the location of its electrical vaults, as defined, within the jurisdiction of the district or health department and a reasonable time for the electrical utility to provide supervised access to its electrical vaults. The bill would require a mosquito abatement district, vector control district, or local public health department to keep confidential utility infrastructure data that it receives pursuant to an agreement entered into between the electrical utility and the district or health department.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

SECTION 1. Section 2056 is added to the Health and Safety Code, to read:

2056. (a) (1) An electrical utility, upon receiving a request from a mosquito abatement district or vector control district or a city or county health department, shall enter into a vector management agreement with the requesting entity within 180 days of the

request.

(2) A mosquito abatement district or vector control district or a city or county health department may seek a vector management agreement with an electrical utility pursuant to this section if efforts to obtain a voluntary cooperation agreement from the electrical utility have failed.

(b) A vector management agreement shall contain, but not be limited to, all of the following provisions:

(1) The locations of electrical vaults that the electric utility, mosquito abatement district, or vector control district reasonably believe, due to the type or the location of the vault, may contain standing water within the jurisdiction of the district or health department.

(2) (A) A reasonable time period for the electrical utility to provide supervised access to its electrical vaults to the district or health department for surveillance, treatment, and post-treatment inspections.

(B) In determining the time period in subparagraph (A), the district or health department and the electrical utility shall consider the seasonality of mosquito activity in the area.

(3) The contact information for relevant individuals at the district or health department and the electrical utility.

(4) A time line for the periodic update of the information in this subdivision.

(5) Consideration, where feasible, of modifications to electrical vaults for the purposes of mosquito exclusion or discharge of captured waters.

(6) A minimum term of three years for the agreement, with provisions for modification or extension of the agreement.

(c) This section does not affect the existing authority of a mosquito abatement district or vector control district under Section 2040.

(d) (1) Utility infrastructure data disclosed pursuant to an agreement entered into pursuant to this section shall be kept confidential by the mosquito abatement district, vector control district, or city or county health department that receives the data.

(2) Data disclosure by the utility may be limited to the affected geographical area identified by the mosquito abatement district, vector control district, or health department, and disclosed in a manner deemed as a best practice by the utility for the safety and security of public utility infrastructure.

(e) An electrical utility that has an existing vector management agreement with a mosquito abatement district, vector control district, or a city or county health department is not subject to this provision for as long as the agreement is in effect.

(f) For the purposes of this section, the following terms have the following meanings:

(1) "Electrical utility" means an electrical corporation, as defined in Section 218 of the Public Utilities Code, or a local publicly owned electric utility, as defined in Section 224.3 of the Public Utilities Code.

(2) "Electrical vault" means an enclosure, either above or below ground, that may contain transformers or other electrical equipment and is the property of an electrical utility.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 2056 to the Health and Safety Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to facilitate the treatment of electrical vaults to minimize the spread of mosquitoborne diseases, it is necessary to keep the location of electrical vaults private to ensure the safety of public utility infrastructure.