

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1650**

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**Introduced by Assembly Member Portantino**

February 13, 2012

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An act to add Section 769 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1650, as amended, Portantino. Public utilities: emergency and disaster preparedness.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and water corporations.

Existing law, the California Emergency Services Act, permits local governments to create disaster councils by ordinance, and to develop plans for meeting any condition constituting a local emergency or state of emergency, as specified.

This bill would require the Public Utilities Commission to establish standards for disaster and emergency preparedness plans *within an existing procedure*, as specified. The bill would require an electrical corporation, as defined, to develop, adopt, and update an emergency and disaster preparedness plan, as specified. The bill would ~~require~~ *impose a state-mandated local program by requiring* every county and city within the electrical corporation's service area to designate a point of contact for the electrical corporation to consult with on emergency

and disaster preparedness plans. The bill would require a water company regulated by the commission to develop, adopt, and update an emergency and disaster preparedness plan, as specified. The bill would declare county and city participation in the preparation of electrical corporations' emergency and disaster preparedness plans is critical to a statewide emergency response and, thus, is an issue of statewide concern. ~~The bill would impose a state-mandated local program by requiring an electrical corporation, in developing, adopting, and updating its emergency and disaster preparedness plan, to meet with, and consult, cities and counties within that corporation's service area, as specified, and by imposing new duties on counties and cities.~~

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 769 is added to the Public Utilities Code,
- 2 to read:
- 3 769. (a) The commission shall establish standards for disaster
- 4 and emergency preparedness plans *within an existing procedure*,
- 5 including, but not limited to, use of weather reports to preposition
- 6 manpower and equipment before anticipated severe weather,
- 7 methods of improving communications between government
- 8 agencies and the public, and methods of working to control and
- 9 mitigate an emergency or disaster and its aftereffects.
- 10 (b) An electrical corporation, as defined in Section 218,
- 11 providing service in California shall develop, adopt, and update
- 12 an emergency and disaster preparedness plan in compliance with
- 13 the standards established by the commission pursuant to
- 14 subdivision (a).
- 15 (1) (A) In developing and adopting an emergency and disaster
- 16 preparedness plan, an electrical corporation providing service in
- 17 California shall ~~meet with, and consult,~~ *invite* appropriate

1 representatives of every county and city within that electrical  
2 corporation's service area in California *to meet with, and provide*  
3 *consultation to, the electrical corporation.*

4 (B) Every county and city within the electrical corporation's  
5 service area in California shall designate a point of contact for the  
6 electrical corporation to consult with on emergency and disaster  
7 preparedness plans.

8 (C) The electrical corporation shall provide the point of contact  
9 designated pursuant to subparagraph (B) an opportunity to  
10 comment on draft emergency and disaster preparedness plans.

11 (2) For the purposes of best preparing an electrical corporation  
12 for future emergencies or disasters, an emergency and disaster  
13 preparedness plan shall address recent emergencies and disasters  
14 associated with the electrical corporation or similarly situated  
15 corporations, and shall address remedial actions for possible  
16 emergencies or disasters that may involve that corporation's  
17 provision of service.

18 (3) Every two years, in order to update and improve that  
19 electrical corporation's emergency and disaster preparedness plan,  
20 an electrical corporation providing service in California shall ~~meet~~  
21 ~~with, and consult,~~ *invite* appropriate representatives of every county  
22 and city within that electrical corporation's service area *to meet*  
23 *with, and provide consultation to, the electrical corporation.*

24 (4) For the purposes of best preparing an electrical corporation  
25 for future emergencies or disasters, an electrical corporation  
26 updating its emergency and disaster preparedness plan shall review  
27 the disasters and emergencies that have affected similarly situated  
28 corporations since the adoption of the plan, remedial actions taken  
29 during those emergencies or disasters, and proposed changes to  
30 the plan. The electrical corporation shall adopt in its plan the  
31 changes that will best ensure the electrical corporation is reasonably  
32 prepared to deal with a disaster or emergency.

33 (c) A meeting pursuant to subdivision (b) shall be noticed and  
34 shall be conducted in a public meeting that allows for the  
35 participation of appropriate representatives of counties and cities  
36 within the electrical corporation's service area.

37 (1) A county participating in a meeting pursuant to subdivision  
38 (b) shall inform each city within the county of the time and place  
39 of the meeting.

1 (2) An electrical corporation holding a meeting pursuant to  
2 subdivision (b) shall provide participating counties and cities with  
3 the opportunity to provide written and verbal input regarding the  
4 corporation's emergency and disaster preparedness plan. For  
5 purposes of this public meeting, an electrical corporation may  
6 convene a closed meeting with representatives from every county  
7 and city within that electrical corporation's service area to discuss  
8 sensitive security-related information in the electrical corporation's  
9 emergency and disaster preparedness plan and to solicit comment.

10 (3) An electrical corporation shall notify the commission of the  
11 date, time, and location of a meeting pursuant to subdivision (b).

12 (d) An electrical corporation shall conduct a meeting pursuant  
13 to subdivision (b) no later than April 1, 2013, and every two years  
14 thereafter.

15 (e) An electrical corporation shall memorialize a meeting  
16 pursuant to subdivision (b), and shall submit its records of the  
17 meeting to the commission.

18 (f) (1) A water company regulated by the commission shall  
19 develop, adopt, and update an emergency and disaster preparedness  
20 plan in compliance with the standards established by the  
21 commission pursuant to subdivision (a). This requirement shall be  
22 deemed fulfilled when the water company files an emergency and  
23 disaster preparedness plan pursuant to another state statutory  
24 requirement.

25 (2) A water company developing, adopting, or updating an  
26 emergency and disaster preparedness plan pursuant to paragraph  
27 (1) shall hold meetings with representatives from the counties and  
28 cities in the water company's service area regarding the emergency  
29 and disaster preparedness plan.

30 SEC. 2. The Legislature finds and declares that county and city  
31 participation in the preparation of electrical corporations'  
32 emergency and disaster preparedness plans is critical to a statewide  
33 emergency response and, thus, is an issue of statewide concern  
34 and not a municipal affair, as that term is used in Section 5 of  
35 Article XI of the California Constitution.

36 SEC. 3. If the Commission on State Mandates determines that  
37 this act contains costs mandated by the state, reimbursement to  
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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