

ASSEMBLY BILL

No. 1843

Introduced by Assembly Member Hill

February 22, 2012

An act to add Article 7 (commencing with Section 8295) to Chapter 7 of Division 4 of the Public Utilities Code, relating to whistleblower protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1843, as introduced, Hill. Whistleblower protection.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. The California Constitution authorizes the commission to establish rules for all public utilities, subject to control by the Legislature.

This bill would require the commission, at a specified rulemaking proceeding, to establish a comprehensive whistleblower protection program to protect public utility employees, former employees, and 3rd-party contractors and subcontractors from retaliation for bringing information to the commission or other public entities, as specified, regarding, but not limited to, safety issues.

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

Because the bill would require the commission to adopt rules for the protection of whistleblowers and a violation of these rules would be a crime, the bill would impose a state-mandated local program by creating a new crime.

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 a specified reason.

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. Article 7 (commencing with Section 8295) is
2 added to Chapter 7 of Division 4 of the Public Utilities Code, to
3 read:

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5 Article 7. Whistleblower Protection Program
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7 8295. As part of Rulemaking 11-02-019 (Order Instituting
8 Rulemaking on the Commission’s Own Motion to Adopt New
9 Safety and Reliability Regulations for Natural Gas Transmission
10 and Distribution Pipelines and Related Ratemaking Mechanisms,
11 filed February 24, 2011), the commission shall establish a
12 comprehensive whistleblower protection program to protect public
13 utility employees, former employees, and third-party contractors
14 and subcontractors from retaliation for bringing information to the
15 commission or other public entities regarding, but not limited to,
16 safety issues. For purposes of this section, “other public entities”
17 includes the whistleblower hotline maintained by the Attorney
18 General pursuant to Section 1102.7 of the Labor Code.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

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