

Assembly Bill No. 1235

CHAPTER 840

An act to add Section 377.1 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 2002. Filed
with Secretary of State September 24, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1235, Leslie. Generation facilities: sale or transfer.

Under existing law, the Public Utilities Act, the Public Utilities Commission is granted jurisdiction over certain facilities for the generation of electricity owned by any public utility. The act prohibits any public utility from disposing of a facility for the generation of electricity prior to January 1, 2006.

This bill would exempt the four run-of-river hydroelectric project works located on the Truckee River and the two run-of-river hydroelectric project located on the Wapatox Canal on the Naches River in the State of Washington from these provisions.

The bill would declare that, due to the unique circumstances of the four run-of-river hydroelectric project works located on the Truckee River and the two run-of-river hydroelectric project located on the Wapatox Canal on the Naches River in the State of Washington, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 377.1 is added to the Public Utilities Code, to read:

377.1. Section 377 does not apply to the four run-of-river hydroelectric project works located on the Truckee River, as referenced in Section 210(b)(17) of Public Law 101-618 or to the two run-of-river hydroelectric projects, also known as the Naches Drop plant and Naches plant, located on the Wapatox Canal on the Naches River in the State of Washington.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances applicable only to the four run-of-river hydroelectric project works located on the Truckee River and the two run-of-river hydroelectric project located on the Naches River in the State of Washington, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that the public's best interest is served and to assist in the implementation of the Truckee River Operating Agreement by expediting the sale of the four run-of-river hydroelectric project works located on the Truckee River and the two run-of-river hydroelectric projects located on the Wapatox Canal on the Naches River in the State of Washington, it is necessary that this act take effect immediately.

