

Introduced by Senator Leslie

February 26, 1999

An act to add Section 851.5 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1183, as introduced, Leslie. Disposal of utility property: hydroelectric facilities.

The Public Utilities Act generally prohibits any public utility from disposing or encumbering property necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, or merging or consolidating property with any other public utility, or franchises or permits or any part thereof, without the authorization of the Public Utilities Commission.

This bill would prohibit a public utility from directly or indirectly disposing of hydroelectric power facilities, as defined, following the approval of such a disposal by the commission, without first offering in writing to the county in which the facilities are located, a right of first refusal for the acquisition of the facilities, as prescribed. The bill would prohibit the disposal of facilities to a county, or a public agency designated by a county, from being considered to be a project within the meaning of the California Environmental Quality Act.

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

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

1 SECTION 1. Section 851.5 is added to the Public
 2 Utilities Code, to read:
 3 851.5. (a) As used in this section, the term
 4 “hydroelectric power facilities” or “facilities” includes
 5 any permit, license, or contract related to those
 6 hydroelectric power facilities.
 7 (b) (1) Notwithstanding any other provision of law, a
 8 public utility may not sell, lease, assign, mortgage, or
 9 otherwise dispose of the whole or any part of its
 10 hydroelectric power facilities, directly or indirectly,
 11 following approval of such a disposal by the commission
 12 pursuant to Section 851, or any other law governing the
 13 disposal of hydroelectric power facilities by a public
 14 utility, without first offering in writing to the county in
 15 which the facilities are located, a right of first refusal for
 16 the acquisition of the facilities at the same price and
 17 under the same terms and conditions approved by the
 18 commission pursuant to Section 851. That right of first
 19 refusal shall be of at least 180 days’ duration. The county
 20 may designate one or more public agencies to act as
 21 agents for the purpose of exercising the right of first
 22 refusal. The commission, in approving a transaction
 23 pursuant to Section 851, shall not approve any term or
 24 condition that would have the effect of impairing the
 25 exercise of the right of first refusal pursuant to this
 26 subdivision.
 27 (2) The disposal of facilities in accordance with this
 28 section to a county, or a public agency designated by a
 29 county pursuant to paragraph (1), shall not be considered
 30 to be a project as defined in Section 21065 of the Public
 31 Resources Code.

O

