

House Engrossed

~~technical correction; electricity; power authority~~
(now: wildfire mitigation planning; utilities; approval)

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2201

AN ACT

AMENDING TITLE 30, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 7; AMENDING
TITLE 40, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 8; RELATING TO
WILDFIRE MITIGATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 30, Arizona Revised Statutes, is amended by adding
3 chapter 7, to read:

4 CHAPTER 7

5 WILDFIRE MITIGATION PLANNING

6 ARTICLE 1. GENERAL PROVISIONS

7 30-901. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ATTACHOR" MEANS ANY CABLE TELEVISION SYSTEM OR PROVIDER OF
10 TELECOMMUNICATIONS OR BROADBAND COMMUNICATION SERVICES THAT OWNS OR
11 OPERATES EQUIPMENT THAT IS ATTACHED TO A POLE, DUCT OR CONDUIT OR THAT IS
12 OTHERWISE LOCATED WITHIN A RIGHT-OF-WAY THAT IS OWNED OR CONTROLLED BY A
13 PUBLIC POWER ENTITY, PROVIDED THAT THE ATTACHING ENTITY IS A CURRENT PARTY
14 TO AND IN COMPLIANCE WITH AN ATTACHMENT AGREEMENT WITH THE PUBLIC POWER
15 ENTITY.

16 2. "ELECTRIC UTILITY" HAS THE SAME MEANING PRESCRIBED IN SECTION
17 40-1301.

18 3. "GOVERNING BODY" MEANS THE GOVERNING BODY OF A PUBLIC POWER
19 ENTITY.

20 4. "PUBLIC POWER ENTITY" MEANS ANY MUNICIPAL CORPORATION OR
21 POLITICAL SUBDIVISION THAT OWNS AND OPERATES FACILITIES THAT GENERATE,
22 TRANSMIT OR DISTRIBUTE ELECTRIC ENERGY FOR SALE TO RETAIL CUSTOMERS IN
23 THIS STATE.

24 5. "PUBLIC SAFETY POWER SHUT OFF" MEANS THE INTENTIONAL TEMPORARY
25 SHUT OFF OF POWER DURING CERTAIN WEATHER OR ENVIRONMENTAL CONDITIONS TO
26 REDUCE THE RISK OF WILDFIRES.

27 6. "WILDFIRE" MEANS ANY UNWANTED, UNPLANNED OR UNCONTROLLED FIRE
28 THAT IGNITES VEGETATION WITHIN A WILDLAND OR NATURAL AREA, INCLUDING:

29 (a) FORESTS.

30 (b) GRASSLANDS.

31 (c) PRAIRIES.

32 (d) ANY AREAS THAT INTERFACE BETWEEN WILDLAND OR NATURAL AND URBAN
33 AREAS.

34 7. "WILDFIRE MITIGATION PLAN" MEANS A PLAN THAT IS SUBMITTED TO THE
35 GOVERNING BODY IN ACCORDANCE WITH THIS CHAPTER.

36 30-902. Cause of action; exclusive means of recovery; legal
37 duty

38 A. THIS CHAPTER DOES NOT ESTABLISH A NEW CAUSE OF ACTION. IF THERE
39 IS A CONFLICT BETWEEN THIS CHAPTER AND ANY OTHER STATE LAW, THIS CHAPTER
40 CONTROLS.

41 B. EXCEPT AS OTHERWISE AGREED TO IN WRITING OR ESTABLISHED BY
42 FEDERAL LAW, THIS CHAPTER ESTABLISHES THE EXCLUSIVE MEANS OF RECOVERY FROM
43 A PUBLIC POWER ENTITY FOR CLAIMS OR DAMAGES THAT RESULT FROM WILDFIRES.

44 C. THIS CHAPTER DOES NOT ESTABLISH ANY ADDITIONAL LEGAL DUTY THAT
45 SUPPORTS ANY CLAIM THAT WOULD NOT OTHERWISE ALREADY EXIST.

1 D. IN ANY CAUSE OF ACTION AGAINST A PARENT, SUBSIDIARY OR OTHER
2 CORPORATE AFFILIATE OF A PUBLIC POWER ENTITY THAT IS RELATED TO A
3 WILDFIRE, THAT PARENT, SUBSIDIARY OR OTHER CORPORATE AFFILIATE OF THE
4 PUBLIC POWER ENTITY SHALL BE TREATED THE SAME AS AND CONSIDERED EQUIVALENT
5 TO A PUBLIC POWER ENTITY FOR THE PURPOSES OF SECTION 30-904.

6 E. IN ANY CAUSE OF ACTION AGAINST A PUBLIC POWER ENTITY THAT IS
7 RELATED TO A WILDFIRE, AN ATTACHOR SHALL BE CONSIDERED TO BE A PUBLIC
8 POWER ENTITY FOR THE PURPOSES OF SECTION 30-904 WITH RESPECT TO ANY
9 LIABILITY THAT MAY BE ALLEGED TO HAVE ARISEN OUT OF THE ATTACHOR'S
10 EQUIPMENT.

11 30-903. Wildfire mitigation plan

12 A. A PUBLIC POWER ENTITY SHALL PREPARE AND SUBMIT A WILDFIRE
13 MITIGATION PLAN TO THE PUBLIC POWER ENTITY'S GOVERNING BODY FOR REVIEW AND
14 APPROVAL. THE PUBLIC POWER ENTITY MAY USE THE SUBMISSION AS AN UPDATE TO
15 THE LAST APPROVED WILDFIRE MITIGATION PLAN. THE PUBLIC POWER ENTITY SHALL
16 SUBMIT THE WILDFIRE MITIGATION PLAN TO THE PUBLIC POWER ENTITY'S GOVERNING
17 BODY ON OR BEFORE MAY 1, 2026 AND EVERY EVEN-NUMBERED YEAR THEREAFTER
18 UNLESS THE GOVERNING BODY ORDERS OTHERWISE. BEFORE A PUBLIC POWER ENTITY
19 SUBMITS A WILDFIRE MITIGATION PLAN TO THE GOVERNING BODY, THE PUBLIC POWER
20 ENTITY SHALL CONSULT WITH A STATE OR FEDERAL LAND MANAGEMENT OR FIRE
21 PROTECTION AGENCY THAT HAS AUTHORITY IN THE PUBLIC POWER ENTITY'S SERVICE
22 TERRITORY, AS APPLICABLE, AS TO THE CONTENT OF THE WILDFIRE MITIGATION
23 PLAN.

24 B. THE GOVERNING BODY SHALL REVIEW THE SUBMITTED WILDFIRE
25 MITIGATION PLAN TO ENSURE THAT THE PLAN:

26 1. COMPLIES WITH THIS CHAPTER AND ALL APPLICABLE RULES AND
27 REGULATIONS.

28 2. IS REASONABLE.

29 3. IS IN THE PUBLIC INTEREST.

30 C. THE GOVERNING BODY MAY REQUEST ADDITIONAL INFORMATION OR A
31 MODIFICATION TO THE SUBMITTED WILDFIRE MITIGATION PLAN WITHIN ONE HUNDRED
32 TWENTY DAYS AFTER RECEIPT OF THE WILDFIRE MITIGATION PLAN BY PROVIDING
33 WRITTEN NOTICE TO THE PUBLIC POWER ENTITY. IF THE GOVERNING BODY DOES NOT
34 REQUEST ADDITIONAL INFORMATION OR A MODIFICATION TO THE WILDFIRE
35 MITIGATION PLAN, THE WILDFIRE MITIGATION PLAN IS DEEMED ADMINISTRATIVELY
36 APPROVED AT THE EXPIRATION OF ONE HUNDRED TWENTY DAYS.

37 D. WITHIN NINETY DAYS AFTER RECEIPT OF THE NOTICE PRESCRIBED IN
38 SUBSECTION C OF THIS SECTION, THE PUBLIC POWER ENTITY SHALL REVISE THE
39 PUBLIC POWER ENTITY'S WILDFIRE MITIGATION PLAN TO ADDRESS THE GOVERNING
40 BODY'S REQUEST. THE GOVERNING BODY HAS SIXTY DAYS TO CONSIDER THE PUBLIC
41 POWER ENTITY'S RESPONSE AND ANY PROPOSED ADDITIONAL INFORMATION OR
42 MODIFICATION TO THE WILDFIRE MITIGATION PLAN. THE WILDFIRE MITIGATION
43 PLAN IS DEEMED APPROVED DURING THE PENDENCY OF ANY JUDICIAL ACTION THAT
44 SEEKS REVIEW OF THE GOVERNING BODY'S APPROVAL OR REJECTION OF THE WILDFIRE
45 MITIGATION PLAN OR ANY PORTION OF THE WILDFIRE MITIGATION PLAN. IF THE

1 GOVERNING BODY DOES NOT REQUEST ADDITIONAL INFORMATION OR A MODIFICATION
2 TO THE WILDFIRE MITIGATION PLAN, THE WILDFIRE MITIGATION PLAN IS DEEMED
3 ADMINISTRATIVELY APPROVED AT THE EXPIRATION OF SIXTY DAYS.

4 E. THE WILDFIRE MITIGATION PLAN SHALL INCLUDE THE FOLLOWING:

5 1. A DESCRIPTION OF AREAS WITHIN THE GEOGRAPHIC REGION WHERE THE
6 PUBLIC POWER ENTITY'S FACILITIES MAY BE SUBJECT TO A HEIGHTENED RISK OF
7 WILDFIRE.

8 2. A DESCRIPTION OF THE PROCEDURES AND STANDARDS THAT THE PUBLIC
9 POWER ENTITY WILL USE TO INSPECT AND OPERATE THE PUBLIC POWER ENTITY'S
10 INFRASTRUCTURE TO MITIGATE THE RISK OF WILDFIRES.

11 3. A DESCRIPTION OF THE KEY INDIVIDUALS OR POSITION TITLES OF THOSE
12 PERSONS WHO ARE RESPONSIBLE FOR IMPLEMENTING THE WILDFIRE MITIGATION PLAN.

13 4. A DESCRIPTION OF PROCEDURES FOR DEENERGIZING POWER LINES AND
14 DISABLING RECLOSERS TO MITIGATE POTENTIAL WILDFIRES OR PROVIDE A PUBLIC
15 SAFETY POWER SHUT OFF PLAN.

16 5. A PLAN FOR VEGETATION MANAGEMENT.

17 6. A SUMMARY OF THE PROCEDURES THE PUBLIC POWER ENTITY INTENDS TO
18 USE TO RESTORE THE PUBLIC POWER ENTITY'S ELECTRICAL SYSTEM IN THE EVENT OF
19 A WILDFIRE.

20 7. A DESCRIPTION OF COMMUNITY OUTREACH AND PUBLIC AWARENESS
21 EFFORTS.

22 8. A DESCRIPTION OF POTENTIAL PARTICIPATION, IF APPLICABLE, WITH
23 STATE OR LOCAL WILDFIRE PROTECTION EFFORTS.

24 9. A DESCRIPTION OF HOW THE PUBLIC POWER ENTITY WILL MONITOR
25 COMPLIANCE WITH THE WILDFIRE MITIGATION PLAN.

26 F. A PUBLIC POWER ENTITY MAY REFERENCE PROCEDURES AND STANDARDS
27 THAT ARE NOT SPECIFICALLY ENUMERATED IN THE WILDFIRE MITIGATION PLAN IN
28 LIEU OF THE REQUIREMENTS UNDER SUBSECTION E OF THIS SECTION. REFERENCED
29 MATERIAL MUST BE INCLUDED AS ATTACHMENTS TO THE WILDFIRE MITIGATION PLAN
30 SUBMISSION.

31 30-904. Liability for causing wildfires; severability

32 A. FOR ANY CAUSE OF ACTION AGAINST A PUBLIC POWER ENTITY THAT IS
33 RELATED TO A WILDFIRE, ALL OF THE ELEMENTS MUST BE PROVEN BY CLEAR AND
34 CONVINCING EVIDENCE.

35 B. A PUBLIC POWER ENTITY THAT SUBSTANTIALLY ACTS IN COMPLIANCE WITH
36 THE APPROVED WILDFIRE MITIGATION PLAN IS DEEMED TO MEET THE STANDARD OF
37 CARE FOR A REASONABLY PRUDENT PUBLIC POWER ENTITY UNLESS THERE IS CLEAR
38 AND CONVINCING EVIDENCE OF WILFUL, INTENTIONAL OR RECKLESS MISCONDUCT. A
39 FAILURE TO COMPLY WITH AN APPROVED WILDFIRE MITIGATION PLAN DOES NOT
40 CONSTITUTE NEGLIGENCE PER SE. A PUBLIC POWER ENTITY'S OR ELECTRIC
41 UTILITY'S WILDFIRE MITIGATION PLAN SHALL NOT BE ADMISSIBLE AS EVIDENCE
42 AGAINST ANOTHER PUBLIC POWER ENTITY OR ELECTRIC UTILITY IN A CIVIL ACTION
43 THAT AROSE OUT OF A WILDFIRE.

1 C. A PUBLIC POWER ENTITY SHALL NOT BE APPORTIONED ANY FAULT FOR THE
2 IGNITION OF A WILDFIRE FROM SOURCES THAT ARE OUTSIDE OF THE PUBLIC POWER
3 ENTITY'S CONTROL, INCLUDING LIGHTNING STRIKES OR ACTIONS BY THIRD PARTIES.

4 D. A PUBLIC POWER ENTITY SHALL NOT BE APPORTIONED ANY FAULT FOR
5 VEGETATION OR OTHER WILDFIRE RISKS OUTSIDE OF THE PUBLIC POWER ENTITY'S
6 RIGHT-OF-WAY, LEASE OR OTHER PROPERTY RIGHTS OR AREAS IN WHICH THE PUBLIC
7 POWER ENTITY HAS BEEN DELAYED IN ACCESSING OR DENIED ACCESS TO FOR
8 PURPOSES OF PERFORMING VEGETATION MANAGEMENT.

9 E. A CLAIM FOR CONDEMNATION OR INVERSE CONDEMNATION SHALL NOT EXIST
10 AGAINST A PUBLIC POWER ENTITY RELATED TO WILDFIRES.

11 F. IN AN ACTION PURSUANT TO THIS SECTION TO RECOVER ANY DAMAGES
12 THAT RESULT FROM A WILDFIRE, NEITHER CONSEQUENTIAL PROPERTY DAMAGES NOR
13 EXEMPLARY OR PUNITIVE BODILY INJURY OR PROPERTY DAMAGES SHALL BE
14 RECOVERED.

15 G. IF ANY PROVISION OF THIS CHAPTER OR THE PUBLIC POWER ENTITY'S
16 APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY
17 DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS CHAPTER THAT CAN
18 BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION AND TO THIS
19 END THE PROVISIONS OF THIS CHAPTER ARE SEVERABLE.

20 Sec. 2. Title 40, Arizona Revised Statutes, is amended by adding
21 chapter 8, to read:

22 CHAPTER 8

23 WILDFIRE MITIGATION PLANNING

24 ARTICLE 1. GENERAL PROVISIONS

25 40-1301. Definitions

26 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 1. "ATTACHOR" MEANS ANY CABLE TELEVISION SYSTEM OR PROVIDER OF
28 TELECOMMUNICATIONS OR BROADBAND COMMUNICATION SERVICES THAT OWNS OR
29 OPERATES EQUIPMENT THAT IS ATTACHED TO A POLE, DUCT OR CONDUIT OR THAT IS
30 OTHERWISE LOCATED WITHIN A RIGHT-OF-WAY THAT IS OWNED OR CONTROLLED BY AN
31 ELECTRIC UTILITY, PROVIDED THAT THE ATTACHING ENTITY IS A CURRENT PARTY TO
32 AND IN COMPLIANCE WITH AN ATTACHMENT AGREEMENT WITH THE ELECTRIC UTILITY.

33 2. "COMMISSION" MEANS THE CORPORATION COMMISSION.

34 3. "ELECTED BOARD" MEANS THE GOVERNING BODY OF AN ELECTRIC UTILITY
35 THAT IS SELECTED BY VOTERS OR MEMBERS OF AN ELECTRIC COOPERATIVE IN AN
36 ELECTION.

37 4. "ELECTRIC UTILITY":

38 (a) MEANS:

39 (i) ANY PERSON, BUSINESS ORGANIZATION, PUBLIC SERVICE CORPORATION,
40 ELECTRIC COOPERATIVE OR OTHER LEGAL ENTITY THAT OWNS AND OPERATES
41 FACILITIES FOR THE GENERATION, TRANSMISSION OR DISTRIBUTION OF ELECTRIC
42 ENERGY FOR SALE TO RETAIL CUSTOMERS IN THIS STATE.

43 (ii) ANY GENERATION AND TRANSMISSION COOPERATIVE OPERATING IN THIS
44 STATE.

45 (b) DOES NOT INCLUDE A PUBLIC POWER ENTITY.

5. "PUBLIC POWER ENTITY" MEANS A PUBLIC POWER ENTITY AS DEFINED IN SECTION 30-901.

6. "PUBLIC SAFETY POWER SHUT OFF" MEANS THE INTENTIONAL TEMPORARY SHUT OFF OF POWER DURING CERTAIN WEATHER OR ENVIRONMENTAL CONDITIONS TO REDUCE THE RISK OF WILDFIRES.

7. "WILDFIRE" MEANS ANY UNWANTED, UNPLANNED OR UNCONTROLLED FIRE THAT IGNITES VEGETATION WITHIN A WILDLAND OR NATURAL AREA, INCLUDING:

(a) FORESTS.

(b) GRASSLANDS.

(c) PRAIRIES.

(d) ANY AREAS THAT INTERFACE BETWEEN WILDLAND OR NATURAL AND URBAN AREAS.

8. "WILDFIRE MITIGATION PLAN" MEANS A PLAN THAT IS SUBMITTED TO THE COMMISSION OR ELECTED BOARD IN ACCORDANCE WITH THIS CHAPTER.

40-1302. Cause of action; exclusive means of recovery; legal duty

A. THIS CHAPTER DOES NOT ESTABLISH A NEW CAUSE OF ACTION. IF THERE IS A CONFLICT BETWEEN THIS CHAPTER AND ANY OTHER STATE LAW, THIS CHAPTER CONTROLS.

B. EXCEPT AS OTHERWISE AGREED TO IN WRITING OR ESTABLISHED BY FEDERAL LAW, THIS CHAPTER ESTABLISHES THE EXCLUSIVE MEANS OF RECOVERY FROM AN ELECTRIC UTILITY FOR CLAIMS OR DAMAGES THAT RESULT FROM WILDFIRES.

C. THIS CHAPTER DOES NOT ESTABLISH ANY ADDITIONAL LEGAL DUTY THAT SUPPORTS ANY CLAIM THAT WOULD NOT OTHERWISE ALREADY EXIST.

D. IN ANY CAUSE OF ACTION AGAINST A PARENT, SUBSIDIARY OR OTHER CORPORATE AFFILIATE OF AN ELECTRIC UTILITY THAT IS RELATED TO A WILDFIRE, THAT PARENT, SUBSIDIARY OR OTHER CORPORATE AFFILIATE OF THE ELECTRIC UTILITY SHALL BE TREATED THE SAME AS AND CONSIDERED EQUIVALENT TO AN ELECTRIC UTILITY FOR THE PURPOSES OF SECTION 40-1304.

E. IN ANY CAUSE OF ACTION AGAINST AN ELECTRIC UTILITY THAT IS RELATED TO A WILDFIRE, ANY ATTACHOR SHALL BE CONSIDERED TO BE AN ELECTRIC UTILITY FOR THE PURPOSES OF SECTION 40-1304 WITH RESPECT TO ANY LIABILITY THAT MAY BE ALLEGED TO HAVE ARISEN OUT OF THE ATTACHOR'S EQUIPMENT.

40-1303. Wildfire mitigation plan

A. EXCEPT AS PROVIDED IN SUBSECTION G OF THIS SECTION, AN ELECTRIC UTILITY SHALL PREPARE AND SUBMIT A WILDFIRE MITIGATION PLAN TO THE COMMISSION FOR REVIEW AND APPROVAL. THE ELECTRIC UTILITY MAY USE THE SUBMISSION AS AN UPDATE TO THE LAST APPROVED WILDFIRE MITIGATION PLAN. THE ELECTRIC UTILITY SHALL SUBMIT THE WILDFIRE MITIGATION PLAN TO THE COMMISSION ON OR BEFORE MAY 1, 2026 AND EVERY EVEN-NUMBERED YEAR THEREAFTER. BEFORE AN ELECTRIC UTILITY SUBMITS A WILDFIRE MITIGATION PLAN TO THE COMMISSION, THE ELECTRIC UTILITY SHALL CONSULT WITH A STATE OR FEDERAL LAND MANAGEMENT OR FIRE PROTECTION AGENCY THAT HAS AUTHORITY IN THE ELECTRIC UTILITY'S SERVICE TERRITORY, AS APPLICABLE, AS TO THE CONTENT OF THE WILDFIRE MITIGATION PLAN.

1 B. THE COMMISSION SHALL REVIEW THE SUBMITTED WILDFIRE MITIGATION
2 PLAN TO ENSURE THAT THE PLAN:

3 1. COMPLIES WITH THIS CHAPTER AND ALL APPLICABLE RULES AND
4 REGULATIONS.

5 2. IS REASONABLE.

6 3. IS IN THE PUBLIC INTEREST.

7 C. THE COMMISSION MAY REQUEST ADDITIONAL INFORMATION OR A
8 MODIFICATION TO THE SUBMITTED WILDFIRE MITIGATION PLAN WITHIN ONE HUNDRED
9 TWENTY DAYS AFTER RECEIPT OF THE WILDFIRE MITIGATION PLAN BY PROVIDING
10 WRITTEN NOTICE TO THE ELECTRIC UTILITY. IF THE COMMISSION DOES NOT
11 REQUEST ADDITIONAL INFORMATION OR A MODIFICATION TO THE WILDFIRE
12 MITIGATION PLAN, THE WILDFIRE MITIGATION PLAN IS DEEMED ADMINISTRATIVELY
13 APPROVED AT THE EXPIRATION OF ONE HUNDRED TWENTY DAYS.

14 D. WITHIN NINETY DAYS AFTER RECEIPT OF THE NOTICE PRESCRIBED IN
15 SUBSECTION C OF THIS SECTION, THE ELECTRIC UTILITY SHALL REVISE THE
16 ELECTRIC UTILITY'S WILDFIRE MITIGATION PLAN TO ADDRESS THE COMMISSION'S
17 REQUEST. THE COMMISSION HAS SIXTY DAYS TO CONSIDER THE ELECTRIC UTILITY'S
18 RESPONSE AND ANY PROPOSED ADDITIONAL INFORMATION OR MODIFICATION TO THE
19 WILDFIRE MITIGATION PLAN. THE WILDFIRE MITIGATION PLAN IS DEEMED APPROVED
20 DURING THE PENDENCY OF ANY JUDICIAL ACTION THAT SEEKS REVIEW OF THE
21 COMMISSION'S APPROVAL OR REJECTION OF THE WILDFIRE MITIGATION PLAN OR ANY
22 PORTION OF THE WILDFIRE MITIGATION PLAN. IF THE COMMISSION DOES NOT
23 REQUEST ADDITIONAL INFORMATION OR A MODIFICATION TO THE WILDFIRE
24 MITIGATION PLAN, THE WILDFIRE MITIGATION PLAN IS DEEMED ADMINISTRATIVELY
25 APPROVED AT THE EXPIRATION OF SIXTY DAYS.

26 E. THE WILDFIRE MITIGATION PLAN SHALL INCLUDE THE FOLLOWING:

27 1. A DESCRIPTION OF AREAS WITHIN THE GEOGRAPHIC REGION WHERE THE
28 UTILITIES FACILITIES MAY BE SUBJECT TO A HEIGHTENED RISK OF WILDFIRE.

29 2. A DESCRIPTION OF THE PROCEDURES AND STANDARDS THAT THE ELECTRIC
30 UTILITY WILL USE TO INSPECT AND OPERATE THE ELECTRIC UTILITY'S
31 INFRASTRUCTURE TO MITIGATE THE RISK OF WILDFIRES.

32 3. A DESCRIPTION OF THE KEY INDIVIDUALS OR POSITION TITLES OF THOSE
33 PERSONS WHO ARE RESPONSIBLE FOR IMPLEMENTING THE WILDFIRE MITIGATION PLAN.

34 4. A DESCRIPTION OF PROCEDURES FOR DEENERGIZING POWER LINES AND
35 DISABLING RECLOSERS TO MITIGATE POTENTIAL WILDFIRES OR PROVIDE A PUBLIC
36 SAFETY POWER SHUT OFF PLAN.

37 5. A PLAN FOR VEGETATION MANAGEMENT.

38 6. A SUMMARY OF THE PROCEDURES THE ELECTRIC UTILITY INTENDS TO USE
39 TO RESTORE THE ELECTRIC UTILITY'S ELECTRICAL SYSTEM IN THE EVENT OF A
40 WILDFIRE.

41 7. A DESCRIPTION OF COMMUNITY OUTREACH AND PUBLIC AWARENESS
42 EFFORTS.

43 8. A DESCRIPTION OF POTENTIAL PARTICIPATION, IF APPLICABLE, WITH
44 STATE OR LOCAL WILDFIRE PROTECTION EFFORTS.

1 9. A DESCRIPTION OF HOW THE ELECTRIC UTILITY WILL MONITOR
2 COMPLIANCE WITH THE WILDFIRE MITIGATION PLAN.

3 F. AN ELECTRIC UTILITY MAY REFERENCE PROCEDURES AND STANDARDS THAT
4 ARE NOT SPECIFICALLY ENUMERATED IN THE WILDFIRE MITIGATION PLAN IN LIEU OF
5 THE REQUIREMENTS UNDER SUBSECTION E OF THIS SECTION. REFERENCED MATERIAL
6 MUST BE INCLUDED AS ATTACHMENTS TO THE WILDFIRE MITIGATION PLAN
7 SUBMISSION.

8 G. ON OR BEFORE MAY 1, 2026 AND EVERY EVEN-NUMBERED YEAR THEREAFTER
9 UNLESS AN ELECTRIC UTILITY'S GOVERNING BOARD ORDERS OTHERWISE, AN ELECTRIC
10 UTILITY THAT IS GOVERNED BY AN ELECTED BOARD SHALL SUBMIT A COPY OF THE
11 ELECTRIC UTILITY'S WILDFIRE MITIGATION PLAN TO THE ELECTED BOARD, INSTEAD
12 OF THE COMMISSION, FOR REVIEW AND APPROVAL. THE ELECTED BOARD SHALL
13 REPLACE THE ROLE OF THE COMMISSION FOR THE PURPOSES OF THIS SECTION.
14 BEFORE AN ELECTRIC UTILITY SUBMITS A WILDFIRE MITIGATION PLAN TO THE
15 ELECTED BOARD, THE ELECTRIC UTILITY SHALL CONSULT WITH A STATE OR FEDERAL
16 LAND MANAGEMENT OR FIRE PROTECTION AGENCY THAT HAS AUTHORITY IN THE
17 ELECTRIC UTILITY'S SERVICE TERRITORY, AS APPLICABLE, AS TO THE CONTENT OF
18 THE WILDFIRE MITIGATION PLAN.

19 40-1304. Liability for causing wildfires: severability

20 A. FOR ANY CAUSE OF ACTION AGAINST AN ELECTRIC UTILITY THAT IS
21 RELATED TO A WILDFIRE, ALL OF THE ELEMENTS MUST BE PROVEN BY CLEAR AND
22 CONVINCING EVIDENCE.

23 B. AN ELECTRIC UTILITY THAT SUBSTANTIALLY ACTS IN COMPLIANCE WITH
24 THE APPROVED WILDFIRE MITIGATION PLAN IS DEEMED TO MEET THE STANDARD OF
25 CARE FOR A REASONABLY PRUDENT ELECTRIC UTILITY UNLESS THERE IS CLEAR AND
26 CONVINCING EVIDENCE OF WILFUL, INTENTIONAL OR RECKLESS MISCONDUCT. A
27 FAILURE TO COMPLY WITH AN APPROVED WILDFIRE MITIGATION PLAN DOES NOT
28 CONSTITUTE NEGLIGENCE PER SE. A PUBLIC POWER ENTITY'S OR ELECTRIC
29 UTILITY'S WILDFIRE MITIGATION PLAN SHALL NOT BE ADMISSIBLE AS EVIDENCE
30 AGAINST ANOTHER PUBLIC POWER ENTITY OR ELECTRIC UTILITY IN A CIVIL ACTION
31 THAT AROSE OUT OF A WILDFIRE.

32 C. AN ELECTRIC UTILITY SHALL NOT BE APPORTIONED ANY FAULT FOR THE
33 IGNITION OF A WILDFIRE FROM SOURCES THAT ARE OUTSIDE OF THE ELECTRIC
34 UTILITY'S CONTROL, INCLUDING LIGHTNING STRIKES OR ACTIONS BY THIRD
35 PARTIES.

36 D. AN ELECTRIC UTILITY SHALL NOT BE APPORTIONED ANY FAULT FOR
37 VEGETATION OR OTHER WILDFIRE RISKS OUTSIDE OF THE ELECTRIC UTILITY'S
38 RIGHT-OF-WAY, LEASE OR OTHER PROPERTY RIGHTS OR AREAS IN WHICH THE
39 ELECTRIC UTILITY HAS BEEN DELAYED IN ACCESSING OR DENIED ACCESS TO FOR
40 PURPOSES OF PERFORMING VEGETATION MANAGEMENT.

41 E. A CLAIM FOR CONDEMNATION OR INVERSE CONDEMNATION SHALL NOT EXIST
42 AGAINST AN ELECTRIC UTILITY RELATED TO WILDFIRES.

1 F. IN AN ACTION PURSUANT TO THIS SECTION TO RECOVER ANY DAMAGES
2 THAT RESULT FROM A WILDFIRE, NEITHER CONSEQUENTIAL PROPERTY DAMAGES NOR
3 EXEMPLARY OR PUNITIVE BODILY INJURY OR PROPERTY DAMAGES SHALL BE
4 RECOVERED.

5 G. IF ANY PROVISION OF THIS CHAPTER OR ITS APPLICATION TO ANY
6 PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT
7 OTHER PROVISIONS OR APPLICATIONS OF THIS CHAPTER THAT CAN BE GIVEN EFFECT
8 WITHOUT THE INVALID PROVISION OR APPLICATION AND TO THIS END THE
9 PROVISIONS OF THIS CHAPTER ARE SEVERABLE.